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COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention of
Discrimination and Protection
of Minorities

REPORT OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES ON ITS FORTY-FIFTH SESSION

Geneva, 2-27 August 1993

Rapporteur: Mr. Ioan Maxim

GE.93-85392 (E)

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I. DRAFT RESOLUTIONS AND DECISIONS RECOMMENDED TO THE COMMISSION ON HUMAN RIGHTS FOR ADOPTION

A. Draft resolutions

I. Working Group on Contemporary Forms of Slavery

The Commission on Human Rights,

Noting resolution 1993/7 of 20 August 1993 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

1. Decides to create for a period of three years a working group on contemporary forms of slavery, composed of five independent experts with relevant experience in the field of human rights and contemporary forms of slavery in particular, with the task of monitoring the application of the Conventions on slavery through the examination of the information it receives;

2. Also decides that the Working Group, in carrying out its mandate, shall seek and receive information from Governments, intergovernmental and non-governmental organizations and individuals;

3. Invites the Working Group to take account, in fulfilling its mandate, of the need to carry out its task with discretion, objectivity and independence;

4. Requests the Secretary-General to provide all the necessary assistance to the Working Group to enable it to accomplish its task.

[See chap. II, sect. A, resolution 1993/7, and chap. XVI]

II. Question of human rights and states of emergency

The Commission on Human Rights,

Noting resolution 1993/28 of 25 August 1993 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

1. Recommends the following draft decision to the Economic and Social Council for adoption:

The Economic and Social Council, taking note of Commission on Human Rights decision 1994/... of ... 1994 and of resolution 1993/... of .. August 1993 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, endorses the requests by the Sub-Commission:

(a) To Mr. Leandro Despouy, Special Rapporteur on human rights and states of emergency, to continue to update the list of states of emergency and to include in his annual report to the Sub-Commission and the Commission recommendations on inalienable or non-derogable rights;

(b) To the Secretary-General to provide the Special Rapporteur with all the assistance he may require to carry out his work, to maintain cooperation with the different sources of information and databases, and to process the information submitted to him in an effective way.

[See chap. II, sect. A, resolution 1993/28, and chap. XI.]

III. Human rights and extreme poverty

The Commission on Human Rights,

Endorsing resolution 1993/35 of 25 August 1993 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recommends the following draft resolution to the Economic and Social Council for adoption:

The Economic and Social Council,

Recalling Commission on Human Rights resolution 1994/... of ..... 1994 and resolution 1993/35 of 25 August 1993 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, entitled "Human rights and extreme poverty",

1. Approves the proposals by the Special Rapporteur on the study of the question of human rights and extreme poverty, Mr. Leandro Despouy, concerning the holding of a seminar on the topic of "Extreme poverty and the denial of human rights";

2. Requests the Secretary-General to continue his consultations on the topic of human rights and extreme poverty with Governments, the specialized agencies, intergovernmental organizations and non-governmental organizations and to inform the Special Rapporteur of the conclusions of those consultations;

3. Requests the Secretary-General to provide the Special Rapporteur with all the assistance necessary for the fulfilment of his mandate including, as appropriate, assistance from consultants with specialized knowledge of the subject.

[See chap. II, sect. A, resolution 1993/35, and chap. IX]

IV. Promoting the realization of the right to adequate housing

The Commission on Human Rights,

Taking note of Sub-Commission resolution 1993/36 of 25 August 1993 on promoting the realization of the right to adequate housing,

Recalling its decision 1993/103 of 4 March 1993,

Welcoming the progress report of the Special Rapporteur on promoting the realization of the right to adequate housing (E/CN.4/Sub.2/1993/15),

1. Decides to extend the mandate of the Special Rapporteur by one year to bring the length of his mandate into accordance with the practices of the Sub-Commission and to enable him to explore fully the human rights implications arising from the right to adequate housing;

2. Invites the Special Rapporteur to submit a second progress report to the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its forty-sixth session;

3. Requests the Secretary-General to provide the Special Rapporteur with all the necessary financial, technical and expert assistance required for the completion of his mandate;

4. Recommends the following draft resolution to the Economic and Social Council for adoption:

The Economic and Social Council,

Recalling Commission on Human Rights resolution 1994/... of ... 1994 and decision 1993/103 of 4 March 1993, as well as resolutions 1993/... of .. August 1993 and 1992/26 of 27 August 1992 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Welcoming the working paper (E/CN.4/Sub.2/1992/15) and the progress report on the right to adequate housing (E/CN.4/Sub.2/1993/15) submitted by the Special Rapporteur of the Sub-Commission, Mr. Rajindar Sachar,

1. Decides to extend the mandate of the Special Rapporteur by one year to bring the length of his mandate into accordance with the practices of the Sub-Commission and to enable him to explore fully the issues arising from the right to adequate housing;

2. Requests the Special Rapporteur to submit a second progress report to the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its forty-sixth session;

3. Requests the Secretary-General to invite Governments, United Nations bodies, the specialized agencies, intergovernmental and non-governmental organizations and community-based organizations to provide the Special Rapporteur with information relevant to the preparation of his study;

4. Urges the Secretary-General to provide the Special Rapporteur with all the financial, technical and expert assistance that he may require to prepare his study and to compile and analyse the information, data, views and documents collected, including, as appropriate, assistance from consultants with expertise in the subject;

5. Requests the Secretary-General to provide the Special Rapporteur with the necessary budgetary allocations to enable him to visit States in order to gain knowledge of the perspectives of local groups, non-governmental organizations and Governments on promoting the human right to adequate housing.

[See chap. II, sect. A, resolution 1993/36, and chap. IX]

V. Question of the impunity of perpetrators of violations of human rights

The Commission on Human Rights,

Guided by the principles enshrined in the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, other relevant human rights instruments and the Geneva Conventions of 12 August 1949,

Recalling the interdependence and indivisibility of civil and political rights and economic and social rights,

Convinced that the increasingly widespread practice worldwide of impunity for perpetrators of violations of human rights is a fundamental obstacle to the observance of human rights,

Taking note of resolution 1993/37 of 26 August 1993 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

1. Welcomes the interim report (E/CN.4/Sub.2/1993/6) prepared by Mr. El Hadji Guissé and Mr. Louis Joinet pursuant to resolution 1992/23 of 27 August 1992 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities;

2. Endorses the Sub-Commission's request to Mr. Guissé and Mr. Joinet to submit a report, including conclusions and recommendations, on the first aspect of the question of impunity, with respect to civil and political rights, to the Sub-Commission at its forty-sixth session and to continue their study on the second aspect of the question, concerning economic, social and cultural rights;

3. Requests the Secretary-General to provide the Special Rapporteurs with any assistance required by them to be able to discharge their task;

4. Recommends the following draft resolution to the Economic and Social Council for adoption:

The Economic and Social Council, taking note of Commission on Human Rights resolution 1994/... of .. 1994, approves the Commission's endorsement of the Sub-Commission's request, contained in its resolution 1993/37, of 26 August 1993, to Mr. El Hadji Guissé and Mr. Louis Joinet to prepare a report on the first aspect of the question of the impunity of perpetrators of violations of human rights, and also approves the Commission's request to the Secretary-General to provide the Special Rapporteurs with any assistance required by them to be able to discharge their task.

[See chap. II, sect. A, resolution 1993/37, and chap. V]

VI. Independence of the judiciary, particularly with regard to judges and lawyers, as well as court officers

The Commission on Human Rights,

Guided by the principles enshrined in articles 7, 8, 10 and 11 of the Universal Declaration of Human Rights and in articles 2, 14 and 26 of the International Covenant on Civil and Political Rights,

Convinced that an independent and impartial judiciary and an independent legal profession are essential prerequisites for the protection of human rights and for ensuring that there shall be no discrimination in the administration of justice,

Taking note of resolution 1993/39 of 26 August 1993 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

1. Welcomes the final report on the independence of the judiciary and the protection of practising lawyers (E/CN.4/Sub.2/1993/25), prepared by the Special Rapporteur, Mr. Louis Joinet;

2. Endorses the recommendation by the Sub-Commission to create a monitoring mechanism to follow up the question of the independence and impartiality of the judiciary, particularly with regard to judges and lawyers,

as well as court officers, and the nature of problems liable to attack this independence and impartiality, and recommends also that this take the form of a special rapporteur whose mandate could consist of the following tasks:

(a) To submit any allegations transmitted to the special rapporteur to adversarial examination;

(b) To identify and record attacks on the independence of the judiciary and to provide technical assistance when so requested;

(c) To study, for the purpose of making proposals, certain questions of principle, inter alia justice and the fight against serious crime (including terrorism and drug trafficking), justice and situations of emergency, justice and the media, and the status of the prosecuting authority, which, in view of their importance and topicality, are priority matters;

3. Recommends the following draft decision to the Economic and Social Council, for adoption:

The Economic and Social Council,

Taking note of Commission on Human Rights resolution 1994/... of ... 1994, endorses the decision of the Commission to confirm the proposal of the Sub-Commission to create a monitoring mechanism to follow up the question of the independence and impartiality of the judiciary, in particular with regard to judges and lawyers, as well as court officers, and the nature of problems liable to attack this independence and impartiality, and that this take the form of a special rapporteur whose mandate could consist of the following tasks:

(a) To submit any allegations transmitted to the special rapporteur to adversarial examination;

(b) To identify and record attacks on the independence of the judiciary and to provide technical assistance when so requested;

(c) To study, for the purpose of making proposals, certain questions of principle, inter alia justice and the fight against serious crime (including terrorism and drug trafficking), justice and situations of emergency, justice and the media, and the status of the prosecuting authority, which, in view of their importance and topicality, are priority matters;

The Council also approves the request made by the Commission to the Secretary-General to provide the special rapporteur with all the assistance necessary for the completion of his task.

[See chap. II, sect. A, resolution 1993/39, and chap. XII]

B. Draft decisions

1. Report of the Working Group on Contemporary Forms of Slavery

The Commission on Human Rights, noting resolution 1993/5 of 20 August 1993 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, endorses the decision of the Sub-Commission to appoint Mrs. Halima Embarek Warzazi as Special Rapporteur to update the report of Mr. Boudhiba and to extend the study to the problem of debt bondage, and to keep the question of debt bondage under consideration and to assess the progress achieved, with a view to the elimination of this intolerable practice.

[See chap. II, sect. A, resolution 1993/5, and chap. XVI]

2. Slavery and slavery-like practices during wartime

The Commission on Human Rights, noting resolution 1993/24 of 25 August 1993 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, endorses the decision to entrust Mrs. Linda Chavez, as Special Rapporteur, with the task of undertaking an in-depth study on the situation of systematic rape, sexual slavery and slavery-like practices during wartime, including in particular internal armed conflict, and its request to her to submit the results of the study to the Working Group on Contemporary Forms of Slavery at its nineteenth session; and recommends the following draft decision to the Economic and Social Council for adoption:

> "The Economic and Social Council taking note of Commission on Human Rights resolution 1994/... of ... 1994, approves the Commission's endorsement of the appointment for a two-year period of Mrs. Linda Chavez as Special Rapporteur on the situation of systematic rape, sexual slavery and slavery-like practices during wartime, including, in particular, internal armed conflict, and requests the Secretary-General to provide the Special Rapporteur with all the assistance necessary to complete her study."

[See chap. II, sect. A, resolution 1993/24, and chap. XVI]

3. The right to a fair trial

The Commission on Human Rights, noting resolution 1993/26 of 25 August 1993 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, expresses its appreciation to the Special Rapporteurs, Mr. Stanislav Chernichenko and Mr. William Treat, for their work on the study entitled "The right to a fair trial: current recognition and measures necessary for its strengthening"; endorses the request to the Special Rapporteurs to continue their study, taking into account, inter alia, the

comments made in the discussion of their preparatory, preliminary and progress reports, and to submit to the Sub-Commission, at its forty-sixth session, a final report which should include a set of conclusions and recommendations aimed at guaranteeing under all circumstances the right to a fair trial and a remedy; and recommends the following draft decision to the Economic and Social Council for adoption:

> "The Economic and Social Council, recalling its decision 1993/291 of 20 July 1993, approves the endorsement by the Commission on Human Rights of the request of the Sub-Commission on Prevention of Discrimination and Protection of Minorities to Mr. Stanislav Chernichenko and Mr. William Treat to submit their final report on the right to a fair trial, as described in Sub-Commission resolution 1993/26 of 25 August 1993, and requests the Secretary-General to provide the Special Rapporteurs with all the assistance necessary, including a technical meeting of experts for three days, to enable them to carry out their work successfully."

[See chap. II, sect. A, resolution 1993/26, and chap. XI]

4. Recognition of gross and large-scale violations of human rights as an international crime

The Commission on Human Rights, noting resolution 1993/30 of 25 August 1993 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, endorses the recommendation to appoint Mr. Stanislav Chernichenko as Special Rapporteur to prepare a report on the recognition of gross and large-scale violations of human rights perpetrated on the orders of Governments or sanctioned by them as an international crime, and requests the Secretary-General to provide the Special Rapporteur with all the assistance necessary for the completion of his task.

[See chap. II, sect. A, resolution 1993/30, and chap. V]

5. Human rights and the environment

The Commission on Human Rights, noting resolution 1993/32 of 25 August 1993 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, endorses the request of the Sub-Commission to Ms. Fatma Zohra Ksentini, Special Rapporteur on human rights and the environment, to prepare a final report, including a set of conclusions and recommendations aimed at developing basic principles and guidelines with respect to human rights and the environment. The Commission also endorses the request to the persons chairing human rights treaty monitoring bodies to include the question of the right to environment on the agenda of their next meeting and, if they so wish, to invite the Special Rapporteur to participate in that meeting. The Commission further endorses the request to the Secretary-General to organize an expert meeting prior to the preparation of the final report in order to formulate recommendations on the way in which the

right to environment could be incorporated in the activities of human rights bodies, as well as the request to the Secretary-General to provide the Special Rapporteur with all the assistance she may require for the preparation of her study and the necessary assistance to hold consultations with appropriate United Nations bodies, specialized agencies and intergovernmental development organizations, and to compile and analyse the information and documents collected.

[see chap. II, sect. A, resolution 1993/32, and chap. V]

6. Traditional practices affecting the health of women and children

The Commission on Human Rights, noting resolution 1993/33 of 25 August 1993 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, endorsed the recommendation of the Sub-Commission that:

(a) The subject of harmful traditional practices affecting the health of women and children be maintained on the agenda of the Sub-Commission in so far as they constitute violations of human rights within the meaning of the relevant provisions of the International Bill of Human Rights and many other international instruments, in particular the Convention on the Rights of the Child;

(b) The mandate of the Special Rapporteur, Ms. Halima Embarek Warzazi, be extended for one year so as to enable her to submit to the Sub-Commission at its forty-sixth session a plan of action for the elimination of harmful traditional practices affecting the health of women and children, and a report on the regional seminar to take place in Asia;

(c) The Centre for Human Rights provide all the assistance that the Special Rapporteur may require in the exercise of her mandate.

[See chap. II. sect. A, resolution 1993/33, and chap. V]

7. Human rights dimensions of population transfer, including the implantation of Settlers and Settlements

The Commission on Human Rights, noting resolution 1993/34 of 25 August 1993 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, endorses:

(a) The request to Mr. Awn Shawkat Al-Khasawneh, as Special Rapporteur, to continue the study on the human rights dimensions of population transfer, including the implantation of settlers and settlements;

(b) The invitation to request the Secretary-General to organize a multidisciplinary expert seminar on the human rights dimensions of population transfer, including the implantation of settlers and settlements, prior to the preparation of the final report, in order to formulate appropriate final conclusions and recommendations;

(c) The request to the Secretary-General to invite Governments, United Nations bodies and intergovernmental and non-governmental organizations concerned to provide the Special Rapporteur with information relevant to the preparation of his reports;

(d) The invitation to request the Special Rapporteur to undertake on-site visits to diverse, ongoing cases of population transfer selected on the basis of information received for the next report.

[See chap. II, sect. A, resolution 1993/34, and chap. IX]

8. Question of the implications for human rights of United Nations action, including humanitarian assistance in addressing international humanitarian problems and in the promotion and protection of human rights

The Commission on Human Rights, taking note of resolution 1993/38 of 26 August 1993 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, endorses the Sub-Commission's request to appoint Mrs. Claire Palley as Special Rapporteur on the question of the various modalities of the possibility of United Nations action under the Charter, relating to humanitarian assistance when addressing humanitarian problems, taking into account the principle of non-intervention and other principles of general international law enshrined therein and the need to develop further international cooperation in the humanitarian field and the promotion and protection of human rights, also endorses the Sub-Commission's request to the Secretary-General to provide the Special Rapporteur with all the necessary assistance, including the resources required, to complete her study and proposes the following draft decision to the Economic and Social Council for adoption:

"The Economic and Social Council endorses Commission on Human Rights decision 1994/... of ... 1994 to authorize the appointment of Mrs. Claire Palley as Special Rapporteur on the question of the various modalities of the possibility of United Nations action under the Charter relating to humanitarian assistance when addressing humanitarian problems, taking into account the principle of non-intervention and other principles of general international law enshrined therein and the need to

develop further international cooperation in the humanitarian field and the promotion and protection of human rights, and also endorses the Sub-Commission's request to the Secretary-General to provide the Special Rapporteur with all the necessary assistance, including the resources required, to complete her study."

[See chap. II, sect. A, resolution 1993/38, and chap. XX]

9. Human rights and income distribution

The Commission on Human Rights, noting resolution 1993/40 of 26 August 1993 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, endorses the decision of the Sub-Commission to entrust Mr. Asbjørn Eide with the task of producing, without financial implications, a preparatory document on the relationship between the enjoyment of human rights, in particular economic, social and cultural rights, and income distribution, at both national and international levels, taking also into account matters related to the realization of the right to development, with a view to determining how most effectively to strengthen activities in this field.

[See chap. II, sect. A, resolution 1993/40, and chap. IX]

10. Protection of minorities

The Commission on Human Rights, noting resolution 1993/43 of 26 August 1993 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, endorses the decision of the Sub-Commission to consider at its next session, the follow-up to be given to the report, including the feasibility and usefulness of the preparation of a more comprehensive programme for the prevention of discrimination and protection of minorities, and to entrust Mr. Asbjørn Eide with the task of preparing, without financial implications, a working paper containing suggestions for such a programme.

[See chap. II, sect. A, resolution 1993/43, and chap. XVIII]

11. Cultural and intellectual property of indigenous peoples

The Commission on Human Rights, noting resolution 1993/44 of 26 August 1993 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, endorses the request to the Special Rapporteur, Mrs. Erica-Irene A. Daes, to expand her study on the protection of the cultural and intellectual property of indigenous peoples with a view to elaborating draft principles and guidelines for the protection of the heritage of the indigenous peoples and to submit a preliminary report to the Sub-Commission at its forty-sixth session; requests the Secretary-General to provide the Special Rapporteur with all the assistance necessary for the

accomplishment of her task; decides that the title of the study should be "Protection of the heritage of the indigenous peoples"; and recommends the following draft decision to the Economic and Social Council for adoption:

> "The Economic and Social Council, noting decision 1994/... of ... February 1994 of the Commission on Human Rights, welcomes the study by the Special Rapporteur, Mrs. Erica-Irene A. Daes, on the protection of the cultural and intellectual property of indigenous peoples (E/CN.4/Sub.2/1993/28); authorizes her to update and expand the study with a view to elaborating draft principles and guidelines on the protection of the heritage of indigenous peoples; requests her to submit her preliminary report to the Sub-Commission at its forty-sixth session; requests the Secretary-General to provide the Special Rapporteur with all necessary assistance to accomplish her work; and approves the new title of the study, 'Protection of the heritage of the indigenous peoples'."

[See chap. II, sect. A, resolution 1993/44, and chap. XV.]

12. Working Group on Indigenous Populations

The Commission on Human Rights, noting resolution 1993/45 of 26 August 1993 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, decides to recommend to the Economic and Social Council:

(a) That it approve the holding of a seminar on indigenous land rights and claims, in which representatives of indigenous peoples, Governments and experts will participate, to be organized in 1994;

(b) That it approve the participation of the Chairperson-Rapporteur of the Working Group on Indigenous Populations of the Sub-Commission, Mrs. Erica-Irene A. Daes, at the closing ceremony of the International Year of the World's Indigenous People, which will take place in New York;

(c) That it approve the annual report of the Working Group being made more widely available by being issued as a United Nations sales publication.

[See chap. II, sect. A, resolution 1993/45, and chap. XV.]

13. Question of the privatization of prisons

The Commission on Human Rights, noting decision 1993/109 of 25 August 1993 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, authorizes the Sub-Commission at its forty-sixth session to appoint one of its members to undertake a special study, inter alia on all the issues mentioned in chapter IV of the outline prepared by Mrs. Claire Palley (E/CN.4/Sub.2/1993/21).

[See chap. II, sect. B, decision 1993/109, and chap. XI.]

14. Study on treaties, agreements and other constructive arrangements between States and indigenous populations

The Commission on Human Rights, noting decision 1993/110 of 26 August 1993 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, authorizes the Sub-Commission to reiterate its request to the Special Rapporteur to submit a second progress report on the study to the Working Group at its twelfth session and to the Sub-Commission at its forty-sixth session, and also to request the Secretary-General to give the Special Rapporteur all the assistance necessary to allow him to continue his work, in particular by providing for the specialized research assistance required and for the necessary trips to Geneva for consultation with the Centre for Human Rights. The Commission on Human Rights requests the Economic and Social Council to endorse the above-mentioned decision of the Sub-Commission.

[See chap. II, sect. B, decision 1993/110, and chap. XI.]

II. RESOLUTIONS AND DECISIONS ADOPTED BY THE SUB-COMMISSION AT ITS FORTY-FIFTH SESSION

A. Resolutions

1993/1. Monitoring the eradication of apartheid and the transition to democracy in South Africa

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling the Declaration on Apartheid and its Destructive Consequences in Southern Africa, contained in the annex to resolution S-16/1, adopted without a vote by the General Assembly on 14 December 1989, which, inter alia, called for negotiations in a climate free of violence,

Recalling also its resolutions 1991/1 of 20 August 1991 and 1992/6 of 21 August 1992,

Recalling further Commission on Human Rights resolutions 1992/20 of 28 February and 1993/19 of 26 February 1993,

Recalling General Assembly resolution 47/116 of 18 December 1992,

Having considered the preliminary report (E/CN.4/Sub.2/1993/11) submitted by the Special Rapporteur, Mrs. Judith Sefi Attah,

Deeply concerned at the impediments to the democratization of South Africa as reported by the Special Rapporteur, amongst which are violence and inequality in the enjoyment of socio-economic rights in South Africa,

Noting the facilitating role of the international community in the democratization process in South Africa,

Noting also the useful recommendations made by the Special Rapporteur in her preliminary report,

1. Expresses it appreciation to the Special Rapporteur for the accurate and useful information contained in her preliminary report;

2. Decides to transmit the report to the Commission on Human Rights for consideration at its fiftieth session;

3. Requests the Secretary-General to bring the report to the attention of the Government of South Africa;

4. Also requests the Secretary-General to contact the Government of South Africa with a view to enabling the Special Rapporteur to undertake a special mission to South Africa during the period of preparation of her next report;

5. Requests the Special Rapporteur to submit her second report to the Sub-Commission at its forty-sixth session;

6. Requests the Secretary-General to provide the Special Rapporteur with all the assistance necessary to carry out her mandate, including ensuring that the Special Rapporteur travels to South Africa for an on-the-spot familiarization with the dynamics of the transition process as they affect the enjoyment of the fundamental human rights of the people;

7. Decides to consider the issue of monitoring the eradication of apartheid and the transition to democracy in South Africa as a matter of priority at its forty-sixth session.

17th meeting
13 August 1993
[Adopted without a vote. See chap. VI.]

1993/2. Elimination of all forms of intolerance and of discrimination based on religion or belief

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Conscious of the need to enhance and encourage understanding, tolerance and respect in matters relating to freedom of religion and belief,

Recalling the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, proclaimed by the General Assembly in its resolution 36/55 of 25 November 1981,

Taking into account the successive reports of the Special Rapporteur of the Commission on Human Rights, Mr. Angelo Vidal d'Almeida Ribeiro (E/CN.4/1989/44, E/CN.4/1990/46 and E/CN.4/1991/56), the report of its own Special Rapporteur, Ms. Elizabeth Odio Benito (E/CN.4/Sub.2/1987/26) and the working paper prepared by Mr. Theo van Boven (E/CN.4/Sub.2/1989/32), a former member of the Sub-Commission,

Considering that, in the Vienna Declaration and Programme of Action, the World Conference on Human Rights called upon all Governments to take all appropriate measures to counter intolerance and violence based on religion or belief and to put into practice the provisions of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief,

Recalling its resolution 1989/23 of 31 August 1989, wherein it reaffirmed its willingness and interest to make a further contribution to activities which might be considered by the Commission on Human Rights as a further means of strengthening international efforts to promote and protect the right to freedom of thought, conscience, religion and belief,

Also recalling Commission on Human Rights resolution 1993/25 of 5 March 1993 in which the Commission expressed its belief that further efforts were required to promote and protect the right to freedom of thought, conscience, religion and belief and to eliminate all forms of hatred, intolerance and discrimination based on religion or belief,

Noting with concern the renewed outbreak of serious acts of intolerance, discrimination and violence, especially against women and intellectuals, caused in particular by religious extremism,

Convinced that religious extremism represents a genuine threat to the security of nations, the stability of institutions and peace among peoples,

Emphasizing the important role of education in ensuring tolerance with respect to other people and promoting and protecting freedom of religion and belief,

1. Reaffirms that freedom of thought, conscience, religion and belief is a human right derived from the inherent dignity of the human person and guaranteed to all without discrimination;

2. Welcomes the intention of the Human Rights Committee to make available soon a general comment on article 18 of the International Covenant on Civil and Political Rights, dealing with freedom of thought, conscience and religion;

3. Recognizes the importance of building understanding and respect between persons of diverse religions or beliefs and the particular need for communication and education within and among movements, groups, associations and other constituencies based on religion or belief;

4. Reaffirms its willingness to make a further contribution to activities which may be considered by the Commission on Human Rights as a further means of strengthening international efforts to promote and protect the right to freedom of thought, conscience, religion and belief;

5. Renews its recommendation to the Commission on Human Rights that it give due consideration to the organization, in cooperation with the United Nations Educational, Scientific and Cultural Organization, the United Nations University, interested intergovernmental and non-governmental organizations and academic and research institutions, of a global consultation on the positions and approaches of different religions and beliefs to human rights and fundamental freedoms.

17th meeting
13 August 1993
[Adopted without a vote. See chap. XIV.]

1993/3. Measures to combat racism and racial discrimination and the role of the Sub-Commission

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its resolution 1992/5 of 21 August 1992 and Commission on Human Rights resolution 1993/20 of 2 March 1993,

Mindful of General Assembly resolution 45/105 of 14 December 1990, in which the Assembly declared once again that all forms of racism and racial discrimination, particularly in their institutionalized form, such as apartheid, or resulting from official doctrines of racial superiority or exclusivity, were among the most serious violations of human rights in the contemporary world and must be combated by all available means,

Sharing the concern expressed by the Commission that in many parts of the world, despite all efforts, racism, racial discrimination, xenophobia and related intolerance and acts of violence resulting therefrom persist and appear to be on the rise, among them manifestations occurring particularly in developed countries,

Reiterating its great concern about the consequences of increasing racism and xenophobia directed against migrant workers, and underlining the importance of early ratification by all States concerned of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,

Reiterating also that the scourges of racism and racial discrimination are continuously assuming new forms, requiring a periodic re-examination of the methods used to combat them,

Concerned that in many parts of the world members of vulnerable ethnic, cultural and linguistic groups are suffering from discrimination and discriminatory treatment,

Noting the importance, in the struggle against racism and racial discrimination, of a complementarity of economic, social, educational and information measures at the national level, including legislative, administrative and penal measures, and of measures taken at the international level, as confirmed by the Commission on Human Rights in paragraph 4 of its resolution 1993/20,

Noting also the recognition expressed by the Commission, in paragraph 5 of that resolution, of the important role that can be played in this regard by the Sub-Commission,

1. Welcomes the appointment by the Commission on Human Rights, for a three-year period, of a special rapporteur on contemporary forms of racism, racial discrimination and xenophobia and related intolerance;

2. Recommends that the Special Rapporteur carry out his mandate by examining situations in the various regions of the world, beginning with incidents which are increasing in the developed countries, as well as theories and attitudes of racial superiority which incite them;

3. Also recommends that the Special Rapporteur be invited to address the Sub-Commission at its forty-sixth session to present his report there also;

4. Further recommends that arrangements be made for the convening, on that occasion, of a joint meeting between the Sub-Commission and the Committee on the Elimination of Racial Discrimination, with a view to the elaboration of recommendations concerning the comprehensive measures envisaged in paragraph 4 of Commission resolution 1993/20;

5. Requests the Secretary-General to prepare, for that meeting, a report containing a survey of efforts made by different United Nations bodies to prevent and combat racism, racial discrimination, xenophobia and related intolerance, together with proposals on how these efforts can be strengthened and better coordinated.

19th meeting
16 August 1993
[Adopted without a vote. See chap. VI.]

1993/4. Methods of work of the Sub-Commission

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its resolution 1992/8 of 26 August 1993 and the guidelines annexed thereto concerning its methods of work, which are being applied from the present session,

Noting with satisfaction that the Commission on Human Rights, in its resolution 1993/28 of 5 March 1993, took note with appreciation of the significant steps taken by the Sub-Commission to rationalize and streamline its work,

Noting the invitation addressed by the Commission to the Sub-Commission, in paragraph 5 of resolution 1993/28, to continue its consideration of ways in which its work should be improved,

1. Decides to convene, during its forth-sixth session, a sessional working group to continue the study of its methods of work, with particular emphasis on the methods to be used and procedures to be followed under item 6 of its agenda concerning the violation of human rights and fundamental freedoms, as well as on the means to ensure the follow-up of recommendations and conclusions of studies undertaken under the auspices of the Sub-Commission.

26th meeting
20 August 1993
[Adopted without a vote. See chap. IV.]

1993/5. Report of the Working Group on Contemporary Forms of Slavery

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Taking note of the report of the Working Group on Contemporary Forms of Slavery on its eighteenth session (E/CN.4/Sub.2/1993/30),

Deeply concerned at the information it contains relating to the traffic in persons and the exploitation of the prostitution of others, the sale of children, child prostitution and child pornography, the exploitation of child labour, debt bondage, the removal of organs, the slavery-like practices of apartheid and colonialism, and the phenomenon of child soldiers,

1. Expresses its appreciation to the Working Group on Contemporary Forms of Slavery for its valuable work, in particular for its continued broad approach and flexible methods of work;

I. SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY

A. Special Rapporteur on the sale of children, child prostitution and child pornography

2. Expresses its thanks to the Special Rapporteur on the sale of children, child prostitution and child pornography for participating in the eighteenth session of the Working Group;

3. Requests the Centre for Human Rights to transmit the report of the Working Group to the Special Rapporteur;

4. Invites the Special Rapporteur to participate in the nineteenth session of the Working Group;

B. Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography

5. Encourages all Governments to consider, in the context of the Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography, the creation of programmes aimed at the social rehabilitation of all persons involved in prostitution, and of children in particular;

6. Takes note of the information on the state of implementation of the Programme of Action submitted by States, specialized agencies and non-governmental organizations contained in the report of the Working Group submitted pursuant to paragraph 6 of Sub-Commission resolution 1992/2 of 14 August 1992 (E/CN.4/Sub.2/1993/31 and Add.1);

7. Decides, in accordance with its resolution 1992/2, to transmit that report to the Commission on Human Rights at its fiftieth session;

C. Removal of organs from children

8. Requests, as a matter of urgency, the Secretary-General to invite again all Governments, United Nations bodies, including the United Nations Children's Fund, the specialized agencies, in particular the World Health Organization, the International Criminal Police Organization (INTERPOL) and all relevant non-governmental organizations to pursue in-depth investigations of allegations concerning the removal of organs from children and to indicate the measures taken, if any, to counteract this practice wherever it exists, with a view to reporting thereon to the Working Group at its nineteenth session;

II. EXPLOITATION OF CHILD LABOUR AND DEBT BONDAGE

9. Welcomes the adoption by the Commission on Human Rights in its resolution 1993/79 of 10 March 1993 of the Programme of Action for the Elimination of the Exploitation of Child Labour;

10. Requests the Secretary-General, in accordance with Commission on Human Rights resolution 1993/79, to invite all States to inform the Working Group of measures adopted or to be adopted in the near future to implement the Programme of Action;

11. Requests the Working Group to examine at its nineteenth session the state of implementation of the Programme of Action and to transmit a report thereon, through the Sub-Commission, to the Commission;

12. Takes note with satisfaction of Commission on Human Rights decision 1993/112 of 10 March 1993 authorizing the Sub-Commission to consider the possibility of appointing a special rapporteur to update the report of Mr. Abdelwahab Bouhdiba (E/CN.4/Sub.2/479), and to extend that study to the problem of debt bondage;

13. Decides to appoint Mrs. Halima Embarek Warzazi as Special Rapporteur to update the report of Mr. Boudhiba and to extend the study to the problem of debt bondage;

14. Decides to keep the question of debt bondage under consideration and to assess the progress achieved, with a view to the elimination of this intolerable practice;

III. CHILD SOLDIERS

15. Expresses its deep concern that in many parts of the world children are recruited into armed forces and that some Governments and non-governmental entities encourage and sometimes compel children to take part in hostilities;

16. Requests the Working Group to continue to give attention to this question at its nineteenth session;

IV. PREVENTION OF TRAFFIC IN PERSONS AND EXPLOITATION OF THE PROSTITUTION OF OTHERS

17. Recommends that the Commission on Human Rights examine the draft programme of action for the prevention of traffic in persons and exploitation of the prostitution of others at its fiftieth session;

18. Requests the Secretary-General to continue to seek the views of States concerning the draft programme of action for submission to the Commission at its fiftieth session;

19. Requests the Secretary-General to convey to the World Tourism Organization the Working Group's grave concern at the information received during its eighteenth session with regard to the persistence and the development of sex tourism;

20. Encourages all Governments to establish specific projects for the protection of the victims of traffic in persons and of prostitution from the risk of contamination with the human immunodeficiency virus and the spreading of acquired immunodeficiency syndrome;

21. Urges States to introduce and reinforce education programmes alerting children to the risks of sexual exploitation and the consequences for individuals and for society of such exploitation;

22. Requests all Governments to develop programmes in support of the family, especially as part of the International Year of the Family;

23. Recommends that States take urgent measures designed to protect minors from exposure to or involvement in child pornography, particularly in relation to sex tourism, and requests the Secretary-General to invite States to provide information on measures taken or already applicable;

24. Recommends that in all States national bodies for the prevention of prostitution be established which could assist in the rehabilitation and reintegration of victims of prostitution;

V. MACHINERY FOR MONITORING THE INTERNATIONAL CONVENTIONS ON SLAVERY

25. Recommends that the Secretary-General again request the States parties to the international conventions on slavery to submit to the Sub-Commission, at regular intervals, reports on the situation in their countries;

26. Requests the Secretary-General again to invite annually States which have not acceded to or have not ratified the international conventions on slavery to explain why they have not done so and to report on their replies to the Sub-Commission and to the Commission, and to extend a similar invitation to States which have not ratified the International Labour Organisation conventions on forced labour;

27. Recommends that Governments avail themselves of the possibility of requesting assistance under the United Nations programme of advisory services in the field of human rights and the technical assistance programmes of the specialized agencies, in particular that of the International Labour Office;

28. Urges the specialized agencies to give particular attention to poverty as a factor leading to or perpetuating slavery and slavery-like practices and to include in their technical assistance programmes activities designed to eliminate slavery and slavery-like practices;

VI. UNITED NATIONS TRUST FUND ON CONTEMPORARY FORMS OF SLAVERY

29. Appeals to all Governments, governmental and non-governmental organizations, private institutions and individuals to respond favourably to requests for contributions to the United Nations Trust Fund on Contemporary Forms of Slavery, and urges them to publicize the establishment and function of the Trust Fund, so as to increase general awareness of its existence;

30. Invites a representative of the Trust Fund to attend the nineteenth session of the Working Group;

VII. MIGRANT WORKERS

31. Notes that in recent years many countries have been running their development programmes, as well as the day-to-day maintenance of essential services, with the help of a foreign migrant labour force and that foreign workers are often subject to rules and regulations which are discriminatory and prejudicial to dignified living, forcing them to live separately from their spouse and their minor children, sometimes for extended periods;

32. Invites countries to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, adopted by the General Assembly in its resolution 45/158 of 18 December 1990;

VIII. MISCELLANEOUS

33. Welcomes the decision of the Working Group to include consideration of the practice of incest on the agenda of its nineteenth session and to consider ways to combat this form of slavery, and urges that adequate help be offered to victims of such practices;

34. Takes note of the decision of the Working Group to transmit the information received at its eighteenth session on the sexual exploitation of women, as well as other forms of forced labour during wartime, to the Special Rapporteur on the right of restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms and to the Sub-Commission for their consideration;

35. Requests the Secretary-General to seek the views and suggestions of Member States and of governmental and non-governmental organizations on proposals for future action by the Working Group, with a view to the consideration of their replies by the Working Group at its forthcoming sessions;

36. Appeals to all Governments to send representatives to the meetings of the Working Group on Contemporary Forms of Slavery;

37. Encourages youth organizations and young persons from various non-governmental organizations to participate in the meetings of the Working Group;

38. Welcomes the decision of the Working Group to give particular attention to the issue of street children at its next sessions;

39. Recommends that arrangements regarding the organization of the sessions of the Working Group, as endorsed by the Commission on Human Rights in its resolution 1993/27 of 5 March 1993 and decision 1993/112 of 10 March 1993, be repeated in subsequent years;

40. Recommends that the Human Rights Committee, the Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Discrimination against Women and the Committee on the Rights of the Child, when examining the periodic reports of States parties, give particular attention to the implementation of, respectively, articles 8 and 24 of the International Covenant on Civil and Political Rights, articles 10, 12 and 13 of the International Covenant on Economic, Social and Cultural Rights, article 6 of the Convention on the Elimination of All Forms of Discrimination against Women and articles 32, 34 and 36 of the Convention on the Rights of the Child, with a view to combating contemporary forms of slavery;

41. Also recommends that the supervisory bodies of the International Labour Organisation and the Committee on Conventions and Recommendations of the United Nations Educational, Scientific and Cultural Organization give particular attention in their work to the implementation of provisions and standards designed to ensure the protection of children and other persons

exposed to contemporary forms of slavery, such as the sale of children, child prostitution and child pornography, the exploitation of child labour, bonded labour and the traffic in persons;

42. Requests the Secretary-General to transmit to the above-mentioned committees, the special rapporteurs concerned and the Working Group on Enforced or Involuntary Disappearances the present resolution, as well as the report of the Working Group on its eighteenth session, drawing their attention to the recommendations contained therein of relevance to them;

43. Again requests the Secretary-General to reassign to the Working Group a full-time Professional staff member of the Centre for Human Rights, as was the case in the past, to work on a permanent basis to ensure continuity and close coordination within and outside the Centre for Human Rights on issues relating to contemporary forms of slavery, to prepare documentation well in advance, and facilitate the representation at sessions of the Working Group of the largest possible number of intergovernmental and non-governmental organizations with competence in the fields examined, and to report on the measures taken for this purpose to the Commission on Human Rights at its fiftieth session and to the Working Group on Contemporary Forms of Slavery at its nineteenth session;

44. Again requests the Secretary-General to designate the Centre for Human Rights as the focal point for the coordination of activities in the United Nations for the suppression of contemporary forms of slavery and to report on the measures taken for this purpose to the Commission on Human Rights at its fiftieth session and to the Working Group on Contemporary Forms of Slavery at its nineteenth session.

26th meeting
20 August 1993
[Adopted without a vote. See chap. XVI.]

1993/6. Additional assistance in studying ways and means of resolving problems arising from the former institution of slavery

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recognizing that slavery cannot be effectively abolished by legislation alone,

Welcoming the efforts of Governments to ensure development in areas with a sizeable population of former slaves and their descendants,

Having regard to the fact that in order truly to recover their freedom former slaves must be given economic and other means to enjoy their fundamental rights and liberties,

Concerned that a large number of former slaves and their descendants are still suffering grave consequences from, and are still subject to, practices similar to slavery,

Aware that projects designed to assist former slaves and their descendants in recovering and enjoying their rights and liberties will be successful if they are based on a thorough knowledge of the issues and problems and if they are designed in consultation with the former slaves and their descendants themselves,

1. Calls upon those Governments concerned, academics and social scientists and international non-governmental organizations to undertake and carry through social science research projects to investigate all aspects of slavery and slavery-like practices for the purpose of finding ways to eradicate the phenomenon;

2. Calls upon the Economic Commission for Africa, the United Nations Development Programme, the United Nations Educational, Scientific and Cultural Organization and other United Nations bodies and specialized agencies and donor countries to support and assist in the implementation of such research projects and development plans.

26th meeting
20 August 1993
[Adopted without a vote. See chap. XVI.]

1993/7. Working Group on Contemporary Forms of Slavery

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling Commission on Human Rights resolution 1989/35 of 6 March 1989, in which the Commission requested the Secretary-General to undertake a study on the ways and means by which an effective mechanism might be established for the implementation of the Conventions on slavery,

Recalling the study prepared by the Secretary-General pursuant to the above request (E/CN.4/Sub.2/1989/37),

Recalling Commission on Human Rights resolutions 1990/63 of 7 March 1990, 1991/58 of 6 March 1991, 1992/47 of 3 March 1992 and 1993/27 of 5 March 1993, in which the Commission, inter alia, encouraged the Sub-Commission, including its Working Group on Contemporary Forms of Slavery, to continue to elaborate recommendations on the ways and means of establishing an effective mechanism for the implementation of the Conventions on slavery,

Conscious of the interest in giving concrete application to the recommendations formulated by the Working Group and contained in its reports and to the Programme of Action for the Elimination of the Exploitation of Child Labour, adopted by the Commission at its forty-ninth session, and the Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography adopted at its forty-eighth session,

1. Decides to continue its consideration of the question at its forty-sixth session under the same agenda item;

2. Recommends the following draft resolution to the Commission on Human Rights for adoption:

[For the text, see chap. I, sect. A, draft resolution I]

26th meeting
20 August 1993
[Adopted without a vote. See chap. XVI.]

1993/8. Punishment of the crime of genocide

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Guided by the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights and other relevant international human rights instruments, in particular the Convention on the Prevention and Punishment of the Crime of Genocide,

Conscious of its responsibility to contribute to the promotion and encouragement of respect for human rights and fundamental freedoms and to prevent violations of such rights,

Recalling General Assembly resolution 3074 (XXVIII) of 3 December 1973, entitled "Principles of international cooperation in the detection, arrest, extradition and punishment of persons guilty of war crimes and crimes against humanity",

Welcoming Commission on Human Rights resolution 1992/S-2/1 of 1 December 1992, in which the Commission called on all States to consider the extent to which acts committed in Bosnia and Herzegovina and in Croatia constituted genocide, and resolution 1993/7 of 23 February 1993 on the situation of human rights in the territory of the former Yugoslavia,

Welcoming also General Assembly resolution 47/121 of 18 December 1992, in which the Assembly stated that the policy of ethnic cleansing was a form of genocide,

Noting the relevant Security Council resolutions, in particular resolutions 798 (1992) of 18 December 1992 and 808 (1993) of 22 February 1993, in which the Council decided that an international tribunal should be established for the prosecution of persons responsible for serious violations of international humanitarian law committed in the territory of the former Yugoslavia,

Aware that in its Order of 8 April 1993 concerning the application of the Convention on the Prevention and Punishment of the Crime of Genocide, the International Court of Justice found that circumstances in the territory of the former Yugoslavia required it to indicate provisional measures for the protection of rights under the Convention,

Taking into account that the Convention on the Prevention and Punishment of the Crime of Genocide confirms that genocide, whether committed in time of peace or in time of war, is a crime under international law which States have undertaken to prevent and to punish,

1. Affirms that all persons who perpetrate or authorize the commission of genocide and related crimes are individually responsible for such actions and that those in positions of authority who have failed adequately to ensure that persons under their control comply with the relevant principles of international law are accountable along with the perpetrators;

2. Reminds States Members of the United Nations which are parties to the Convention on the Prevention and Punishment of the Crime of Genocide of their obligation under article V to enact, in accordance with their respective Constitutions, the necessary legislation to give effect to the provisions of that Convention and, in particular, to provide effective penalties for persons guilty of genocide or any of the other acts proscribed in the Convention;

3. Recalls that under article VI of the Convention persons charged with genocide or related crimes shall be tried by a competent tribunal of the State in the territory of which the act was committed, or by such international penal tribunal as may have jurisdiction;

4. Urges States Members of the United Nations to make every effort to bring to justice, in accordance with internationally recognized principles of due process, all those individuals directly or indirectly involved in the unspeakable crimes committed in Bosnia and Herzegovina, elsewhere in the territory of the former Yugoslavia or in any other part of the world.

26th meeting
20 August 1993
[Adopted without a vote. See chap. VII.]

1993/9. Situation in Kosovo

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Guided by the provisions of the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Discrimination (Employment and Occupation) Convention, the Convention against Discrimination in Education, the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, as well as the Basic Principles on the Independence of the Judiciary,

Recalling also its decision 1992/103 of 13 August 1992, concerning the human rights situation within the territory of the former Yugoslavia,

Recalling further Commission on Human Rights resolution 1992/S-1/1 of 14 August 1992, in which the Commission condemned all violations of human rights within the territory of the former Yugoslavia and called upon all

parties to cease those violations immediately and to take all necessary steps to ensure full respect for human rights and fundamental freedoms and humanitarian law,

Recalling Commission on Human Rights resolution 1993/7 of 23 February 1993, in which the Commission demanded that the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) respect the human rights and fundamental freedoms of ethnic Albanians in Kosovo,

Bearing in mind the fourth report of the Special Rapporteur on the situation of human rights in the territory of the former Yugoslavia (E/CN.4/1993/50) which described, inter alia, the various discriminatory measures taken in the legislative, administrative and judicial areas, summary executions, acts of violence and arbitrary arrests perpetrated against ethnic Albanians in Kosovo,

Noting with concern the information contained in the above-mentioned report of the Special Rapporteur on the situation of human rights in the territory of the former Yugoslavia, as reflected in Commission on Human Rights resolution 1993/7, as well as the alarming information issuing from other reliable sources describing, in particular:

(a) Acts of police violence against ethnic Albanians, arbitrary searches, seizures and arrests, torture and ill-treatment of detained persons and discrimination practised in the administration of justice, creating a climate in which criminal acts are committed, particularly against ethnic Albanians, with absolute impunity;

(b) Discriminatory dismissals of ethnic Albanian civil servants, in particular within the police force and the judiciary, the massive dismissals of ethnic Albanians working in administrative, managerial or other specialized capacities within State enterprises and public institutions, including, in particular, teachers in educational institutions now run by Serbs, and the closure of Albanian secondary schools and universities;

(c) The arbitrary imprisonment of ethnic Albanian journalists, the banning of Albanian language media outlets and the discriminatory dismissal of ethnic Albanians working in local radio and television stations;

(d) The dismissal of ethnic Albanian doctors and other medical professionals and non-professionals working in clinics and hospitals;

(e) The banning of the use of the Albanian language, notably within the public administration and services,

Considering that these measures and practices constitute a form of ethnic cleansing,

Deeply concerned by the reports describing the persistence of flagrant and widespread violations of human rights in Kosovo,

Gravely concerned at the refusal of the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) on the one hand to facilitate the task of the Special Rapporteur on the situation of human rights in the territory of the former Yugoslavia to execute his mandate fully, particularly in Kosovo, and on the other hand, to allow the Conference on Security and Co-operation in Europe (CSCE) mission of long duration in Kosovo to continue its activities,

1. Vigorously condemns the measures and practices of discrimination and the violations of the human rights of the ethnic Albanians of Kosovo committed by the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro);

2. Urges the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro):

(a) To take whatever measures may be necessary to bring the human rights violations inflicted on the ethnic Albanians of Kosovo to an immediate halt, including, in particular, the discriminatory measures and practices, as well as the summary executions, arbitrary detentions and the use of torture and other cruel, inhuman or degrading treatment;

(b) To revoke all discriminatory legislation, in particular that which has entered into force since 1990;

(c) To re-establish the democratic institutions of Kosovo;

3. Requests the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro):

(a) To facilitate the appointment by the Special Rapporteur on the situation of human rights in the territory of the former Yugoslavia, in accordance with paragraph 34 of Commission on Human Rights resolution 1993/7, of officers mandated to inform him about the evolution of the situation of human rights, especially in Kosovo;

(b) To allow the CSCE missions of long duration to continue their activities pursuant to the terms of Security Council resolution 855 (1993) of 9 August 1993 on the termination of the CSCE monitoring mission.

26th meeting
20 August 1993
[Adopted by secret ballot by 17 votes to 4, with 3 abstentions. See chap. VII.]

1993/10. Situation of human rights in Chad

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights,

Reaffirming that all Member States have the right to promote human rights and to fulfil their obligations under the various applicable instruments,

Deeply concerned by the serious events that, for several years, have been taking place in Chad, most recently the massacres that occurred on 4 and 8 August 1993 at Chokoyam and N'Djamena,

Recalling that Chad has ratified the African Charter on Human and Peoples' Rights,

Taking into account that the democratization process has been initiated in Chad through the Sovereign National Conference held at N'Djamena from 15 January to 7 April 1993, which brought together all the vital forces of the nation,

1. Strongly condemns the gross and continuing violations of human rights in Chad;

2. Calls upon the authorities of Chad to implement the decisions of the Sovereign National Conference contained in the transitional Government's plan of action;

3. Appeals to the international community to contribute by the appropriate means and by taking positive measures to enhancing the promotion and protection of human rights and fundamental freedoms in the country;

4. Decides to keep this matter on the agenda for its forty-sixth session.

26th meeting
20 August 1993
[Adopted without a vote. See chap. VII.]

1993/11. Situation in South Africa

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling the Declaration on Apartheid and its Destructive Consequences in southern Africa, adopted by the General Assembly in its resolution S-16/1 of 14 December 1989,

Recalling also all the relevant resolutions of the Commission on Human Rights, in particular resolution 1993/9 of 26 February 1993,

Mindful of General Assembly resolution 33/165 of 20 December 1978 on the status of persons refusing service in military or police forces used to enforce apartheid,

Taking note of the decisions of the Council of Ministers of the Organization of African Unity at its fifty-sixth ordinary session, held at Dakar from 22 to 28 June 1992, in particular the decision urging the international community to refrain from establishing official links with South Africa until the establishment of an interim Government and the holding of free and fair elections on the basis of a new constitution,

Welcoming the accord of 16 August 1991 between the United Nations and the Government of South Africa which opened the way for refugees to return to South Africa and for the release of political prisoners,

Concerned that many political prisoners are still incarcerated, that political trials of some opponents of apartheid still continue and that not all political exiles have been allowed to return,

Gravely concerned at the new wave of violence that is further devastating South Africa and the role of the Government of South Africa in this regard,

Gravely concerned also at the continued military cooperation between South Africa and some Governments,

Aware of the great courage, perseverance and sacrifices of the people of southern Africa in the face of aggression and oppression by the Government of South Africa,

Noting with great concern that the negotiation process within the framework of the Convention for a Democratic South Africa (CODESA) is deadlocked because of the refusal by the Government of South Africa to follow the universally accepted democratic principles for implementing constitutional change,

Concerned that the violence in South Africa is escalating in spite of the constant appeals by the international community to end the carnage, which constitutes a major obstacle to the negotiation process,

Recalling the establishment and launching of the Action for Resisting Invasion, Colonialism and Apartheid Fund (see A/41/697-S/18392, annex) at the Eighth Conference of Heads of State or Government of Non-Aligned Countries,

1. Reaffirms that apartheid is a crime against humanity;

2. Also reaffirms the right of all persons to refuse service in military or police forces when they are used to enforce apartheid;

3. Strongly condemns the perpetrators of the violence that continues to devastate South Africa and denounces the Government of South Africa for its failure to act to stop the violence;

4. Calls upon the South African authorities to exercise effectively their responsibility to maintain law and order, to stop the violence, to prosecute its perpetrators and to protect all citizens, irrespective of their political affiliation;

5. Reiterates the call contained in the Declaration on Apartheid and its Destructive Consequences in southern Africa for, inter alia, the unconditional release of all political prisoners and detainees by the Government of South Africa, the removal of all troops from the townships, the repeal of the remaining legislation designed to circumscribe political activity and the cessation of all political trials and executions;

6. Urges all States to continue to provide, both individually and collectively, moral and material assistance to the oppressed people of South Africa;

7. Calls upon the Government of South Africa not to proceed with the execution of persons convicted and sentenced to death for so-called "security", "security-related" or "unrest-related" offences;

8. Calls upon the Government of South Africa to bring before court on appropriate charges those members of the security forces or other government organs or other persons against whom prima facie evidence of participation in the killing of residents in black areas or in the murder of political opponents of apartheid exists;

9. Reiterates that unity of action and cohesion among the liberation movements and other democratic South African forces within the framework of the United Patriotic Front is absolutely necessary at this crucial stage of the struggle and constitutes the best means of hastening the process of negotiations aimed at the advent of a non-racial, democratic and united South Africa;

10. Urges the international community to refrain from establishing official links with South Africa until an interim Government responsible for supervising the transition to democratic rule, including the holding of free and fair elections under universal adult suffrage on a common voters' roll, has been put in place in the country;

11. Affirms that any relaxation of pressure on South Africa at this time would be a violation of the Declaration on Apartheid and its Destructive Consequences in southern Africa;

12. Vigorously condemns all military collaboration with the Government of South Africa, particularly in the nuclear field.

26th meeting
20 August 1993
[Adopted without a vote. See chap. VII.]

1993/12. Situation in East Timor

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Guided by the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the universally accepted rules of international humanitarian law,

Bearing in mind General Assembly resolution 37/30 of 23 November 1982 and Security Council resolutions 384 (1975) of 22 December 1975 and 389 (1976) of 22 April 1976,

Recalling the statement agreed by consensus by the Commission on Human Rights at its forty-eighth session (E/1992/22, para. 457) and resolution 1993/97 of 11 March 1993 adopted by the Commission at its forty-ninth session,

Recalling also its resolutions 1982/20 of 8 September 1982, 1983/26 of 6 September 1983, 1984/24 of 29 August 1984, 1987/13 of 2 September 1987, 1989/7 of 31 August 1989, 1990/15 of 30 August 1990, and 1992/20 of 27 August 1992, as well as the statement made by the Chairman at its forty-third session on the question of the situation in East Timor,

Having examined the note by the secretariat on the situation in East Timor (E/CN.4/Sub.2/1993/14),

Noting with satisfaction the recent lifting of the restrictions imposed upon the activities of the International Committee of the Red Cross,

Disturbed by reports of continuing violations of human rights in East Timor, as well as by reports of forcible removal of prisoners from their original place of residence to serve jail sentences in parts of Indonesia in contravention of the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,

1. Expresses its deepest concern at reports of continuing violations of human rights in East Timor;

2. Notes with satisfaction the recent lifting of the restrictions imposed upon the activities of the International Committee of the Red Cross;

3. Urges the Indonesian authorities to implement fully the decisions of the Commission on Human Rights as contained in the consensus statement agreed by the Commission at its forty-eighth session and in resolution 1993/97 of 11 March 1993, adopted by the Commission at its forty-ninth session;

4. Also urges the Indonesian authorities to honour the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, regarding the prohibition on removing prisoners from their original place of residence;

5. Decides to consider at its forty-sixth session the situation pertaining to human rights and fundamental freedoms in East Timor, and for this purpose requests the secretariat to transmit to it all relevant information received.

26th meeting
20 August 1993
[Adopted by secret ballot by 13 votes to 10, with 2 abstentions. See chap. VII.]

1993/13. Consequences for the enjoyment of human rights of acts of violence committed by armed groups that spread terror among the population

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Alarmed at the proliferation of acts of terrorism which affect human rights and fundamental freedoms of the individual,

Reaffirming that terrorism constitutes a serious obstacle to the full enjoyment of all human rights,

Condemning all acts, methods and practices of terrorism in all its forms and manifestations as gross violations of human rights,

Deeply deploring the loss of human life and the injuries which result from acts of terrorism,

1. Expresses its deep concern at the persistence of acts of terrorism in all its forms and manifestations which endanger or take innocent lives, threaten the fundamental freedoms and the democracy, territorial integrity and security of States, destabilize legitimately constituted Governments and have adverse consequences on the economic development of States;

2. Calls upon Governments, in accordance with international standards of human rights and internationally recognized principles of due process, to take all necessary and effective measures to prevent and combat terrorism;

3. Calls upon the international community to enhance cooperation in the fight against the spread of terrorism at the national, regional and international levels.

26th meeting
20 August 1993
[Adopted without a vote. See chap. VII.]

1993/14. Situation of human rights in the Islamic Republic of Iran

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its resolution 1992/15 of 27 August 1992 and other relevant resolutions adopted by the General Assembly since 1986, by the Commission on Human Rights since 1982 and by the Sub-Commission since 1981, calling for an end to the violation of human rights by the Islamic Republic of Iran,

Taking note of Commission on Human Rights resolution 1993/62 of 10 March 1993, in which the Commission expressed its regret that, as the Special Representative had concluded, the Islamic Republic of Iran had not given adequate follow-up to many of the recommendations contained in his previous reports,

Deeply concerned at continuing human rights violations by the Government of the Islamic Republic of Iran, including arbitrary and summary executions, torture and other cruel, inhumane and degrading treatment, arbitrary arrests and imprisonment, forced disappearances, the absence of guarantees for the due process of law and the right to a fair trial and disregard for the freedom of religion and speech,

Gravely concerned at the systematic repression of the Baha'i community and at the plight of the Iranian Kurds,

Expressing its profound regret that for more than one year the Government of the Islamic Republic of Iran has refused to cooperate with the Special Representative and has prevented him from visiting the country,

Expressing its regret that despite agreements between the Government of the Islamic Republic of Iran and the International Committee of the Red Cross on visits to Iranian prisons, the International Committee of the Red Cross delegation was expelled from the country in March 1992, less than one month after starting its mission, and that the Government still refuses to allow the International Committee of the Red Cross to resume its visits,

Expressing its concern at an increase in the number of arrests following anti-government demonstrations and at the violent suppression of popular protest in various cities, including Tehran,

Reaffirming that Governments are to be held responsible for assassination attempts and attacks by their agents against individuals in other countries and for deliberate incitement, sanctioning or condoning of such acts,

Recalling its previous resolutions condemning the assassination abroad of Iranian expatriates, and the apparent direct involvement of Iranian official services in these assassinations,

Recalling also the need for the Government of the Islamic Republic of Iran to cooperate with the Swiss judicial authorities to shed light on the assassination of Professor Kazem Rajavi,

Appalled at the continued repression of women in the Islamic Republic of Iran, in which women have been publicly flogged and even arrested or imprisoned, and particularly noting reports concerning the large number of adolescents and persons below the age of 18,

Noting the reaffirmation of the universality and indivisibility of human rights standards by representatives of the international community at the World Conference on Human Rights,

1. Endorses the urgent call of the Special Representative of the Commission on Human Rights to the Government of the Islamic Republic of Iran urging it to comply with the current international norms in the field of human rights;

2. Strongly condemns the continuing flagrant human rights violations of the Islamic Republic of Iran, including:

(a) The use of excessive force and violence to suppress anti-government gatherings and demonstrations;

(b) The continuing execution of political prisoners and the assassination of opponents abroad;

(c) The stoning, torture and degrading treatment of citizens, especially women;

(d) The continued persecution of Baha'is and other religious minorities;

(e) The harassment of Iranian political refugees' relatives inside the Islamic Republic of Iran to coerce the refugees to return to the country or to cooperate on intelligence matters;

3. Rejects any cultural or religious justification of the breach of universal human rights standards;

4. Emphatically urges the Government of the Islamic Republic of Iran to stop its attacks on Iranian dissidents abroad;

5. Supports the continuation of the mandate of Mr. Reynaldo Galindo Pohl, Special Representative of the Commission of Human Rights, and of international monitoring of the human rights situation in the Islamic Republic of Iran;

6. Maintains that the deteriorating conduct of the Islamic Republic of Iran in terms of violations of human rights and fundamental freedoms and the breach of international instruments, the repercussions of which spread beyond its national frontiers, jeopardizes peace and security in other regions;

7. Requests the Special Representative to consider and recommend in his report the strongest measures which could be adopted within the framework of the United Nations to eliminate human rights violations in the Islamic Republic of Iran;

8. Requests the Secretary-General to inform the Sub-Commission at its next session of the relevant reports and measures already implemented by United Nations bodies, or under way, to prevent human rights violations in the Islamic Republic of Iran;

9. Decides to consider further the situation of human rights in the Islamic Republic of Iran, including the situation of women and minority groups such as the Baha'is and the Kurds, at its forty-sixth session.

26th meeting
20 August 1993
[Adopted by secret ballot by 20 votes to 3, with 2 abstentions. See chap. VII.]

1993/15. Situation in the Palestinian and other Arab territories occupied by Israel

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Guided by the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, in particular the principles of equal rights and self-determination of all peoples,

Mindful of the principles and humanitarian provisions of the Geneva Conventions of 12 August 1949 for the protection of victims of war, of the principles and provisions of international law and of the obligations arising from the Regulations concerning the Laws and Customs of War on Land, annexed to the Hague Convention IV of 1907,

Recalling that, in accordance with article 1 of the Geneva Conventions of 12 August 1949, all States parties to the Conventions have undertaken to respect and to ensure respect for the Conventions in all circumstances,

Recalling also all the resolutions of the General Assembly and the Commission on Human Rights condemning the practices of the Israeli occupation authorities in the Palestinian and other Arab territories occupied by Israel which affirm the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to these territories, in particular resolution 1993/2 of 19 February 1993 of the Commission on Human Rights,

Recalling further the relevant Security Council resolutions, in particular resolutions 605 (1987) of 22 December 1987, 607 (1988) of 5 January 1988, 608 (1988) of 14 January 1988, 636 (1989) of 6 July 1989, 681 (1990) of 20 December 1990, 726 (1992) of 6 January 1992 and 799 (1992) of 18 December 1992,

Noting with great concern the report submitted to the Security Council by the Secretary-General in accordance with resolution 799 (1992) (S/25149), which affirmed that Israel continued to refuse to comply with the resolutions of the Council and recommended that the Council take the necessary measures to ensure that its decision, as set out in resolution 799 (1992), was respected,

Taking note of the reports of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories submitted to the General Assembly and the relevant reports of the International Labour Organisation, the United Nations Educational, Scientific and Cultural Organization and the World Health Organization,

Recalling with great concern the press releases issued by the International Committee of the Red Cross in Geneva on 13 January 1988, on 18 and 19 August 1988 and on 21 May 1992 and the statement of the President of the International Committee of the Red Cross on 23 May 1993 concerning the continuing violations by Israel of the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, including the deportation of Palestinian citizens from their territory, the killing of civilians, including children, and the application of the policy of collective punishment against the Palestinian people,

Reaffirming its previous resolutions in this respect, the most recent being resolution 1992/10 of 26 August 1992,

Deeply alarmed at the persistent refusal of Israel to respect the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and to apply it to the Palestinians in the occupied Palestinian territories, and at the systematic and established violations of human rights by Israel over the past twenty-six years and its persistence in killing, wounding and arresting Palestinian people and in deporting and expelling Palestinian citizens,

Taking into account the ongoing process of negotiation between the parties concerned since the Peace Conference on the Middle East convened at Madrid, and encouraging this process to reach speedily a just and lasting peace settlement on the basis of Security Council resolutions 242 (1967) of 22 November 1967 and 338 (1973) of 22 October 1973 and all other relevant United Nations resolutions,

1. Reaffirms that the Israeli occupation of Palestinian and other Arab territories, including Jerusalem, itself constitutes a gross and systematic violation of human rights and an aggression under international law;

2. Also reaffirms that the continued perpetration by the Israeli occupation authorities of deliberate killings of Palestinians, including children, breaking limbs of young men and causing grave harm to their physical integrity, subjecting cities, villages and camps to living conditions designed to strangulate and destroy them by imposing curfews, as happened in the Gaza Strip on 25 May 1992, and preventing their provision with food and medical supplies, firing gas bombs into houses, mosques, churches and hospitals, thus causing the death of many people by asphyxia, severely beating pregnant women and throwing gas bombs inside their homes, thereby causing them to miscarry, torturing Palestinian detainees, imposing collective punishment and administrative detention upon thousands of Palestinians, expelling and deporting Palestinians from their homeland, confiscating land and establishing Israeli settlements in the occupied Palestinian territories, bringing Jewish immigrants from several parts of the world and settling them on these territories, thus modifying their demographic character, closing schools and universities, desecrating holy places and demolishing houses, all constitute grave violations of the principles of international law and the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, of the Universal Declaration of Human Rights and of the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights;

3. Further reaffirms that the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, is applicable to the Palestinians and to the Palestinian and other Arab territories occupied by Israel, and that the continued disregard and rejection of the provisions of the Convention by Israel constitute gross violations of the principles of international law, and that it is therefore the responsibility of the international community to provide protection for the Palestinian people under Israeli occupation, in accordance with the relevant Security Council resolutions and the provisions of the Convention, until the end of the Israeli occupation of the Palestinian and other Arab territories;

4. Calls upon the States parties to the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to implement article 1 of the Convention, to ensure respect by Israel for the Convention and to secure protection for the Palestinian people under occupation, until the end of this occupation;

5. Reaffirms once again the right of the Palestinian people to resist the Israeli occupation by all means, in accordance with United Nations resolutions, and affirms that the intifada of the Palestinian people, which began on 8 December 1987, is one such means confirming their determination to liberate their land from Israeli occupation and to exercise their inalienable national rights on their national soil, above all their right to self-determination;

6. Also reaffirms the inalienable rights of the Palestinian people to return to their homeland in accordance with General Assembly resolution 194 (III) of 11 December 1948, to self-determination without foreign interference and to establish their independent sovereign State on

their national soil, in accordance with the principles and provisions of the Charter of the United Nations and with resolutions of the General Assembly and of the Commission on Human Rights;

7. Condemns the policy of Israel for:

(a) Its gross violations of the rules of international law and of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and calls upon Israel to desist immediately from those practices and to withdraw from the Palestinian and other occupied Arab territories, in accordance with the principles of international law and the relevant United Nations resolutions;

(b) Continuing the policy of deporting Palestinian citizens and for expelling them from their homeland, as happened to more than 400 Palestinian citizens on 17 December 1992, and calls upon Israel to comply with the relevant resolutions of the Security Council, the most recent being resolution 799 (1992) of 18 December 1992, as well as with the relevant resolutions of the General Assembly and the Commission on Human Rights, and to refrain from such a policy, which violates the principles of international law;

(c) Establishing Israeli settlements in the Palestinian and other occupied Arab territories and calls for them to be dismantled, and confirms that all measures taken by Israel with the purpose of annexing these territories or altering the political, cultural, religious or other character of Jerusalem and the Palestinian and other Arab territories occupied since 1967 are illegal, null and void;

(d) Its continued occupation of the Syrian Golan and its defiance of the relevant United Nations resolutions, in particular Security Council resolution 497 (1981) of 17 December 1981, and reaffirms that the decision by Israel in 1981 to impose its laws, jurisdiction and administration on the occupied Syrian Golan is null and void;

(e) The inhuman treatment and terrorist practices in violation of human rights which the Israeli occupation authorities continue to exercise against Syrian Arab citizens in the occupied Syrian Golan for their refusal to carry Israeli identity cards and in order to force them to carry such cards, which practices constitute a flagrant violation of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and requests all States and competent international organizations not to recognize any Israeli laws, jurisdiction or administration in respect of the occupied Syrian territory;

8. Requests the Secretary-General to provide the Sub-Commission, at its forty-sixth session, with an updated list of reports, studies, statistics and other documents relating to the question of Palestine and other occupied Arab territories, with the texts of the most recent relevant United Nations decisions and resolutions and the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories, and with all other information relevant to the implementation of the present resolution.

27th meeting
20 August 1993
[Adopted by secret ballot by 17 votes to 2, with 5 abstentions. See chap. VII.]

1993/16. Situation of human rights in Guatemala

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Guided by the principles enshrined in the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights, as well as by the relevant norms and principles of international humanitarian law,

Recalling its resolution 1992/18 of 27 August 1992,

Taking note of Commission on Human Rights resolution 1993/88 of 10 March 1993, in which the Commission took note with appreciation of the report of the independent expert on the situation of human rights in Guatemala, Mr. Christian Tomuschat (E/CN.4/1993/10 and Corr.1) and requested the Secretary-General to extend his mandate,

Encouraged by the mobilization of the people of Guatemala in defence of democratic institutions, which made possible the restoration of constitutional order and the rule of law following the events of 25 May 1993,

Welcoming the designation as Constitutional President of the Republic of Mr. Ramiro de León Carpio, whose work as Procurator for Human Rights is widely acknowledged by Guatemalan society,

Convinced that the situation of human rights in Guatemala calls for the close attention of the authorities in order to ensure the protection and full observance of those rights,

Considering that the economic and social situation continues to have serious consequences for the most vulnerable sectors of Guatemalan society, particularly the indigenous population, women and children,

Taking into account that the continuation of the internal armed conflict is a fundamental factor affecting the human rights situation in Guatemala,

Taking into account also the initiative of the Government to resume negotiations with the Unidad Revolucionaria Nacional Guatemalteca, with a view to reaching an agreement which will bring the internal armed conflict to an end and permit the re-establishment of a firm and lasting peace,

Taking note of the Government's proposal to establish the Permanent Forum for Peace to discuss national issues with the various sectors of society,

1. Expresses its firm support for the measures adopted by President Ramiro de León Carpio with a view to strengthening democratic institutions, human rights and fundamental freedoms in Guatemala;

2. Urges the Government of Guatemala to continue according special attention to the current situation of human rights in Guatemala;

3. Exhorts the Government of Guatemala to continue its action to guarantee the full observance of human rights by the authorities and the armed and security forces and, with a view to eliminating impunity, to bring to trial any person guilty of violations of human rights and to guarantee the proper functioning of the administration of justice;

4. Urges the Government of Guatemala to give priority to economic and social development programmes and to strengthen in particular policies and programmes concerning the indigenous population, taking into account its proposals, respecting the country's multicultural nature and fostering the Mayan cultural heritage;

5. Exhorts the Government of Guatemala to continue its constructive dialogue with refugees and internally displaced persons in order to resolve satisfactorily the question of their resettlement in Guatemala in conditions of dignity and security;

6. Expresses the hope that the negotiations between the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca will be resumed as soon as possible with a view to reaching, with the active support of the international community, in particular the United Nations and the Organization of American States, an agreement which will put an end to the internal armed conflict and permit the re-establishment of a firm and lasting peace;

7. Expresses its appreciation to the independent expert, Mr. Christian Tomuschat, for the work which he has done.

27th meeting
20 August 1993
[Adopted without a vote. See chap. VII.]

1993/17. Situation in Bosnia and Herzegovina

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Bearing in mind the statement adopted without a vote on 4 August 1993 at its present session,

Recalling its decision 1992/103 of 13 August 1992,

Reiterating that the protection of different ethnic and religious groups is at the core of the mandate of the Sub-Commission,

Expressing once again its horror and its total and unqualified condemnation of so-called "ethnic cleansing" that in the former Yugoslavia and particularly in Bosnia and Herzegovina has generated vast displacements of people and large flows of refugees of the different ethnic groups, which in Bosnia and Herzegovina has affected, in particular, the Muslim population,

Taking into account Commission on Human Rights resolutions 1993/7 of 23 February 1993, 1992/S-1/1 of 14 August 1992 and 1992/S-2/1 of 1 December 1992,

Also taking into account the special declaration on Bosnia and Herzegovina adopted by the World Conference on Human Rights,

Noting with alarm the reports of the Special Rapporteur on the situation of human rights in the former Yugoslavia (E/CN.4/1992/S-1/9, E/CN.4/1992/S-1/10, A/47/666-S/24809 and E/CN.4/1993/50),

Sharing the concern expressed by the Commission on Human Rights at the growth of ultra-nationalist ideologies in Serbia and other parts of the former Yugoslavia and at the fact that indoctrination and misinformation continued to encourage ethnic and religious hatred,

Noting that the General Assembly, in its resolution 47/121 of 18 December 1992, and the World Conference on Human Rights, in the special declaration on Bosnia and Herzegovina, stated, inter alia, that the abhorrent policy of ethnic cleansing was a form of genocide,

Recalling the repeated reaffirmation by the Security Council that any taking of territory by force or any practice of "ethnic cleansing" is unlawful and unacceptable and will not be permitted to affect the outcome of the negotiations on constitutional arrangements for the Republic of Bosnia and Herzegovina, and its insistence that all displaced persons be enabled to return in peace to their homes,

Deeply disturbed by the fact that the draft constitutional agreement for what is therein referred to as "the Union of Republics of Bosnia and Herzegovina" could constitute a de facto partition on ethnic and religious grounds,

1. Appeals to the international community:

(a) To reject any permanent partition which results from aggression, intervention and massive violations of human rights, in particular the abhorrent practice of "ethnic cleansing" that has developed into "religious cleansing";

(b) To deny the validity of any agreement obtained under extreme duress from the Government of the Republic of Bosnia and Herzegovina for purposes other than a cessation of hostilities paving the way for a more lasting peaceful settlement based on the principles of the Charter of the United Nations, including respect for human rights and fundamental freedoms without discrimination on the grounds, inter alia, of race, ethnicity or religion;

2. Expresses the view that, should disarmament of militia and other armed groups take place as part of the first stages of the peace plan, it should be extended to all parts of Bosnia and Herzegovina and not be confined to places now under the control of the Government;

3. Emphasizes that no arrangements for impunity should be included in the peace plan;

4. Urges the immediate implementation of Security Council resolution 808 (1993) of 22 February 1993 through the establishment of an international tribunal for the prosecution of persons responsible for serious violations of international humanitarian law committed in the territory of the former Yugoslavia since 1991 and the initiation of proceedings against all persons suspected of committing crimes against humanity, including war crimes;

5. Calls upon the relevant United Nations bodies to ensure that sufficient funds are urgently allocated to allow for the swift and effective operation of the Commission of Experts to investigate the evidence of grave breaches of humanitarian law committed in the former Yugoslavia, and of the international tribunal;

6. Calls for the effective eradication of the tragic consequences of the aggression and the human rights violations in the Republic of Bosnia and Herzegovina, through joint international efforts for the reconstruction of the country;

7. Recommends that, to this end, steps be taken through concerted international action and by the relevant international bodies to enable all refugees, deportees and displaced persons to return safely to their homes in the Republic of Bosnia and Herzegovina, and their properties to be restored to them, any documents signed by them under duress being rejected;

8. Also recommends that steps be taken to ensure full reparation for losses suffered as a consequence of aggression and religious and ethnic cleansing, to which end the international community should contribute to the resources required, it being understood that those responsible for causing destruction and other losses shall be held personally responsible for the repayment of the losses incurred;

9. Urges that, to overcome the present partition of Bosnia and Herzegovina brought about by aggression and ethnic cleansing, a process of peace-building should be initiated through the United Nations and appropriate intergovernmental organizations to reintegrate, over a period of time, the national society of Bosnia and Herzegovina as a whole;

10. Also urges that this process be advanced through appropriate economic and other assistance for projects and institution-building intended to overcome the division of Bosnia and Herzegovina.

27th meeting
20 August 1993
[Adopted by secret ballot by 22 votes to 1, with 1 abstention. See chap. VII.]

1993/18. Situation in Haiti: encouragement of the establishment of the democratic process and the reconstruction of the country

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Referring to the Universal Declaration of Human Rights, the International Covenants on Human Rights, the American Convention on Human Rights and the other international instruments on human rights to which Haiti is a party,

Recalling the resolutions concerning the situation in Haiti adopted by the competent bodies of the United Nations and the Organization of American States since the events of 30 September 1991,

Recalling in particular General Assembly resolution 47/143 of 18 December 1992, Commission on Human Rights resolution 1993/68 of 10 March 1993 and Sub-Commission resolution 1992/16 of 27 August 1992, as well as the relevant resolutions of the Permanent Council of the Organization of American States and the General Assembly of that organization,

Bearing in mind the state of the situation in Haiti established by the Special Rapporteur of the Commission on Human Rights, Mr. Marco Tullio Bruni Celli, who reports numerous violations of the right to life, security of person, freedom of expression, freedom of association and freedom of movement in that country,

Noting with serious concern that extrajudicial executions have taken place, mainly at Port-au-Prince, during the month of July and that, according to the reports received by the international civil mission of the United Nations and the Organization of American States, the number of victims is estimated at over 30,

Noting with satisfaction the agreements which have been concluded between the President of the Republic and the Commander-in-Chief of the armed forces, and between the different political parties of Haiti,

1. Takes note with satisfaction of the agreements of Governor's Island signed between the constitutional President of the Republic, Fr. Jean-Bertrand Aristide, and the Commander-in-Chief of the armed forces, General Raoul Cedras, which provide for a programme of international cooperation and a series of institutional reforms, including the professionalization of the armed forces, the establishment of a new police force and the reform of the judicial system, and which should culminate, on 30 October 1993, in the return to the country of the constitutional President of the Republic;

2. Also takes note with satisfaction of the pact of New York, which was signed in July 1993 between the various political forces represented in Parliament and which aims at establishing a political truce, the normalization of Parliament and the enactment of fundamental laws with a view to a peaceful transition;

3. Encourages the Secretary-General of the United Nations and the Secretary-General of the Organization of American States to continue their efforts at mediation through their special envoy, Mr. Dante Caputo, with a view to achieving the constitutional normalization of the situation and the return to Haiti of the constitutional President of the Republic on 30 October 1993;

4. Encourages the international community to make available all the necessary economic and technical resources for the economic reconstruction of the country and the institution of a programme of development assistance for Haiti as soon as the sanctions imposed on that country have been lifted;

5. Calls on all sectors of Haitian society to ensure that a peaceful transition, based on national agreement, can take place and that democracy can be firmly established in Haiti;

6. Decides to follow the evolution of the situation in Haiti at its next session under agenda item 6.

27th meeting
20 August 1993
[Adopted without a vote. See chap. VII.]

1993/19. Situation in Myanmar

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Bearing in mind the provisions of the Charter of the United Nations, the Universal Declaration of Human Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment,

Recalling Commission on Human Rights resolution 1993/73 of 10 March 1993,

Recalling also its resolution 1992/22 of 27 August 1992 on the question of human rights and states of emergency, in which it expressed its appreciation to the Special Rapporteur, Mr. Leandro Despouy, for his fifth annual report (E/CN.4/Sub.2/1992/23),

Deeply concerned at continued reports of the routine torture and mistreatment of detainees and prisoners by members of the Myanmar police, intelligence and military forces,

Noting that, despite the release between April and December 1992 of many hundreds of prisoners, thousands of others remain under arbitrary detention, including the 1991 Nobel Peace Prize recipient, Aung San Suu Kyi, and numerous other political leaders,

Deploring the ongoing persecution of Muslims, Christians and ethnic minorities and the numerous violations of human rights entailed by the practices of forced conscription and porterage,

Noting with concern the conclusions and recommendations contained in the report on the situation of human rights submitted by the Special Rapporteur of the Commission on Human Rights, Mr. Yozo Yokota (E/CN.4/1993/37),

Noting also with regret that the Government of Myanmar has withheld its full cooperation concerning the on-site visit by the Special Rapporteur and has refused to allow monitoring by the International Committee of the Red Cross,

Commending, however, the recent discussions between the Government of Myanmar and the United Nations High Commissioner for Refugees at Yangon in July 1993, in which it was agreed, in principle, that the Office of the United Nations High Commissioner for Refugees would be allowed to establish a presence in Rakhine state in Myanmar to assist and coordinate the voluntary repatriation of the residents of Rakhine state at present in camps in Bangladesh, assisted by the Office of the United Nations High Commissioner for Refugees,

1. Calls upon the Government of Myanmar to ensure respect for human rights and fundamental freedoms for all citizens, including all minorities, notably through the repeal of discriminatory citizenship laws and immediate and unqualified cessation of all practices of torture, arbitrary detention, forced conscription, forced porterage and forced relocation, and of violent attacks on civilians, including children and women, by members of the armed forces;

2. Also calls upon the Government of Myanmar to allow full implementation of the results of the election of 27 May 1990, in accordance with General Assembly resolution 47/144 of 18 December 1992;

3. Urges the Government of Myanmar to cooperate fully with the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Myanmar and with the International Committee of the Red Cross in their monitoring activities;

4. Reminds the Government of Myanmar of its obligations under common article 3 of the Geneva Conventions of 12 August 1949 regarding the protection of civilians in armed conflicts not of an international character;

5. Encourages the Government of Myanmar to continue the positive cooperation with the Office of the United Nations High Commissioner for Refugees initiated in recent discussions concerning their mutual responsibilities regarding the repatriation of returnees from Bangladesh;

6. Invites the Government of Myanmar to consider, as a matter of urgency, acceding to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Covenant on Civil and Political Rights and other human rights instruments to which it is not yet a party.

27th meeting
20 August 1993
[Adopted by secret ballot by 17 votes to 2, with 5 abstentions. See chap. VII.]

1993/20. Situation of human rights in Iraq

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on human rights,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have undertaken under the various international instruments in this field,

Mindful that Iraq is a party to the International Covenants on human rights and to other human rights instruments,

Recalling Security Council resolution 688 (1991) of 5 April 1991, in which the Council demanded an end to the repression of the Iraqi civilian population and insisted that the human and political rights of all Iraqi citizens be respected,

Recalling also Security Council resolutions 706 (1991) of 15 August 1991, 712 (1991) of 19 September 1991 and 778 (1992) of 2 October 1992,

Mindful that the United Nations has not yet sent a fact-finding mission to the marshlands region of southern Iraq,

Deeply concerned by the recent information that thousands of Arab Shiites have sought refuge on the border between Iraq and the Islamic Republic of Iran because of the artillery bombardment and the programme undertaken by the Iraqi Government to drain the southern marshlands,

Deeply concerned also by the continued massive repression of the Arab Shiah populations in the south of Iraq, particularly those who are under siege by Iraqi armed forces there,

Disturbed by the possibility of a continued exodus of these populations, both to the border area and within Iraq itself,

Recalling its decision 1992/106 of 27 August 1992, in which it expressed deep concern about the serious consequences which the United Nations embargo was having on the entire civilian population in Iraq, and in particular on children, women and the most underprivileged sectors of the population,

Noting the crop and food supply assessment mission to Iraq undertaken by the Food and Agriculture Organization of the United Nations and the World Food Programme in June 1993, which described the negative impact of the international embargo on the civilian population, especially the most vulnerable groups,

Deeply concerned by the fact that multitudes of refugee women and children coming from the marshlands suffer a lack of food, drinking water and medical assistance,

Deeply concerned also by the internal embargo maintained by the Government against the Kurdish population in the north of Iraq and the Arab Shiites in the southern marshlands,

1. Expresses its concern at the exceptional gravity of the human rights situation in Iraq and, therefore, welcomes the proposal of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Iraq, contained in his report (E/CN.4/1993/45), that human rights monitors be deployed;

2. Calls upon the Government of Iraq immediately to halt its artillery bombardment, to cease all draining schemes and destruction of the marshes and to lift the internal embargo imposed in October 1991 on the populations of the marshlands;

3. Also calls upon the Government of Iraq to abide by Security Council resolutions 706 (1991) of 15 August 1991 and 712 (1991) of 19 September 1991, which permit the Government of Iraq to sell oil to finance humanitarian assistance for the Iraqi people;

4. Requests the United Nations humanitarian organizations concerned to speed up the delivery of aid to the persons who have sought refuge on the border between Iraq and the Islamic Republic of Iran and to ensure that their food and medical needs are satisfied;

5. Appeals once again to the international community as a whole and to all Governments, including that of Iraq, to facilitate the supply of food and medicines to the civilian population;

6. Urges the Special Rapporteur on the situation of human rights in Iraq to visit the border and the marshlands and to report his findings to the General Assembly;

7. Deplores the continuing victimization of civilians and the destruction of civilian infrastructure as the result of military actions against Iraq;

8. Requests the Secretary-General to provide all necessary assistance to the Special Rapporteur to undertake his mission;

9. Also requests the Secretary-General to call upon the Government of Iraq to cooperate with the Special Rapporteur;

10. Urges the implementation of Security Council resolution 688 (1991) of 5 April 1991 and of the recommendations of the Special Rapporteur to station permanent monitors in the area of the marshlands and to establish permanent aid centres;

11. Condemns the violations of human rights by the Government of Iraq and decides to keep the situation of human rights in Iraq under review at future sessions of the Sub-Commission.

27th meeting
20 August 1993
[Adopted by secret ballot by 14 votes to 9, with 2 abstentions. See chap. VII.]

1993/21. Freedom of movement and the situation of migrant workers and their families

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its resolution 1992/5 of 21 August 1992 on measures to combat racism and racial discrimination and the role of the Sub-Commission,

Recalling also Commission on Human Rights resolution 1993/20 of 2 March 1993 on measures to combat contemporary forms of racism, racial discrimination, xenophobia and related intolerance, and the appointment of a special rapporteur thereon,

Recalling further Commission on Human Rights resolutions 1992/81 of 6 March 1992 and 1993/89 of 10 March 1993 concerning the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,

Aware of the growing importance and magnitude of the phenomenon of racism and its consequences for migrant workers, as well as the efforts undertaken by the international community to improve the protection of the human rights of all migrant workers and their families, and recalling in that regard the adoption by the General Assembly of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,

Concerned that despite these efforts racism and acts of violence resulting therefrom persist and are even increasing in a number of developed countries,

Bearing in mind the existence of bilateral agreements with host countries and convinced that combined bilateral and multilateral action should lead to the problem being addressed more effectively,

Convinced that greater awareness of the contribution of migrant workers in host countries must be effectively ensured at all levels in order to fight effectively against xenophobic behaviour on the part of individuals and put an end to the complex of rejection from which this category of workers continues to suffer throughout the world,

Recognizing that migrant workers and members of their families are free to leave any State, including their State of origin,

Conscious that impunity for crimes motivated by racist and xenophobic attitudes contributes to weakening the rule of law and tends to encourage the recurrence of those crimes,

Noting that the special interest taken by the United Nations in the situation of migrant workers with a view to ensuring the human rights and dignity of all migrant workers and their families truly reflects the complexity of the problems faced by this vulnerable population group,

Noting also that those workers suffer from racism and xenophobia, after being compelled to leave their countries because of objective economic difficulties, entailing first that they are uprooted and then that they have to go through the various stages involved in adapting to a new socio-cultural environment,

Noting further that migrant workers have largely contributed to the construction, development and economic prosperity of employing countries, following the migratory movement encouraged before and after the independence of their countries by the countries of the North,

Noting that workers and their families whose social situation is extremely precarious are constantly subjected to extortion, injustice, hatred and aggression,

1. Requests host countries to continue the efforts undertaken to improve the situation and ensure the human rights and dignity of all migrant workers and their families;

2. Asks host countries to provide effective protection for migrant workers and members of their families against violence, bodily injury, threats and intimidation, whether by public officials or private persons, groups or institutions;

3. Affirms that the family is the natural and fundamental element of society and has a right to the protection of society and the State, and requests that appropriate steps be taken to protect the family unit of the migrant worker;

4. Invites all Governments to cooperate with the Special Rapporteur on contemporary forms of racism, racial discrimination, and xenophobia and related intolerance, to take action forthwith and to establish vigorous policies to prevent and combat all forms and manifestations of racism, xenophobia and intolerance, adopting, if need be, appropriate legislation providing for penal measures;

5. Also invites all States to give effect to the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights, and to ensure the protection of the rights of all migrant workers and members of their families;

6. Emphasizes that it is important to create conditions conducive to greater harmony, tolerance and mutual respect between migrant workers and the rest of the population of the State in which they live;

7. Invites States to consider the possibility of signing or ratifying at the earliest opportunity the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;

8. Decides to include the situation of migrant workers and members of their families on the agenda of its forty-sixth session, as a sub-item of the item on freedom of movement.

27th meeting
20 August 1993
[Adopted without a vote. See chap. XIX.]

1993/22. Question of the human rights of disabled persons

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Welcoming the publication of the report by Mr. Leandro Despouy, Special Rapporteur on the question of the human rights of disabled persons (United Nations publication, Sales No. E.92.XIV.4),

Recalling Commission on Human Rights resolution 1993/29 of 5 March 1993, as well as General Assembly resolution 47/3 of 14 October 1992, in which the Assembly proclaimed the International Day of Disabled Persons, and General Assembly resolution 46/96 of 16 December 1991, in which it reiterated the need to achieve the objectives set out in the agenda for action of the United Nations Decade of Disabled Persons,

Recalling the Vienna Declaration and Programme of Action, adopted at the World Conference on Human Rights, which reaffirm that persons with disabilities should be guaranteed equal opportunity through the elimination of all barriers, be they physical, financial, social or psychological, which exclude or restrict full participation in society,

Noting its resolution 1991/19 of 28 August 1991, in which it emphasizes that the provisions of the Universal Declaration of Human Rights, whereby everyone is entitled to all rights and freedoms, without distinction of any

kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, also apply to disabled persons,

1. Requests the Commission on Human Rights to take into consideration the recommendations of the Special Rapporteur, Mr. Leandro Despouy, contained in his report Human Rights and Disabled Persons and, particularly, to work towards the appointment of an international ombudsman for the human rights of disabled persons;

2. Requests the Secretary-General to report to the Commission on Human Rights and to the Sub-Commission on the coordination endeavours, and their results, undertaken by the various United Nations organs and bodies concerned with the protection of disabled persons, for the purpose of envisaging the establishment of an effective mechanism for coordination and cooperation between the various organs and bodies;

3. Decides to remain seized of this question and to deal with it each year as sub-item (c) of the agenda item entitled "Promotion, protection and restoration of human rights at national, regional and international levels".

27th meeting
20 August 1993
[Adopted without a vote. See chap. XIII.]

1993/23. Situation of human rights in Peru

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Guided by the principles enshrined in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and other international instruments on the protection of human rights,

Recalling Commission on Human Rights resolutions 1992/42 of 28 February 1992 and 1993/48 of 9 March 1993, on the consequences for the enjoyment of human rights of acts of violence committed by armed groups that spread terror among the population and by drug traffickers,

Recalling its resolution 1992/12 of 27 August 1992, on support for the restoration of democracy in Peru,

Noting with interest the electoral processes, monitored by the Organization of American States, to elect a new Congress and renew the municipal authorities, although various political groupings refrained from taking part,

Considering that there is an urgent need to adopt measures to investigate and penalize those responsible for human rights violations, as well as to compensate the victims of such violations,

Observing that some provisions of the legislation adopted to combat terrorism are not in keeping with the general principles safeguarding the right to a defence and due process,

1. Notes with interest the electoral processes carried out in Peru under the commitments entered into with the Organization of American States;

2. Strongly condemns the violations of human rights by the terrorist groups Sendero Luminoso and Movimiento Revolucionario Tupac Amaru;

3. Regrets the violations of human rights by some members of the forces of law and order;

4. Welcomes the initiation of dialogue between the Government of Peru and the Coordinadora Nacional de Derechos Humanos (National Human Rights Coordinating Body) and considers that it should be continued in terms of concrete measures to foster the effectiveness of and the observance of human rights;

5. Welcomes the agreement reached by the Government of Peru and the International Committee of the Red Cross;

6. Welcomes the readiness of the Government of Peru to establish a register of detainees and calls for it to function fully and effectively;

7. Reiterates its constant concern for effective conditions to guarantee the rule of law and, consequently, human rights;

8. Urges the Peruvian authorities to adopt the necessary measures to guarantee full compliance with the State's obligations to investigate and penalize those responsible for human rights violations, as well as to compensate the victims of such violations;

9. Recommends that the criminal law, within the framework of an independent and impartial system of justice, should be brought into line with the general principles safeguarding the right to a defence and due process;

10. Appeals to the competent Peruvian authorities not to extend the application of the death penalty beyond the limits set out in the American Convention on Human Rights;

11. Decides to request the Government of Peru to keep it informed, through the relevant machinery, of developments in the human rights situation in that country.

29th meeting
23 August 199[illegible]
[Adopted without a vote. See chap. VII.]

1993/24. Slavery and slavery-like practices during wartime

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Guided by the Vienna Declaration and Programme of Action, in particular paragraph 38 of Part II.B, in which the World Conference on Human Rights emphasized that all violations of the rights of women in situations of armed conflict, including in particular murder, systematic rape, sexual slavery and forced pregnancy, required a particularly effective response,

Bearing in mind Commission on Human Rights resolutions 1993/8 of 23 February 1993, in which the Commission strongly condemned the abhorrent practice of rape and abuse of women and children, and 1993/46 of 8 March 1993, in which the Commission condemned all acts of violence and violations of human rights directed specifically against women, including those in situations of armed conflict,

Recalling its request to the Secretary-General contained in paragraph 18 of its resolution 1992/2 of 14 August 1992 regarding information on the situation of women forced to engage in prostitution during wartime,

Welcoming the report of the Working Group on Contemporary Forms of Slavery on its eighteenth session (E/CN.4/Sub.2/1993/30),

Noting the information transmitted to the Sub-Commission by the Working Group on Contemporary Forms of Slavery concerning the sexual exploitation of women, as well as other forms of forced labour, during wartime,

1. Decides to entrust Mrs. Linda Chavez, as Special Rapporteur, with the task of undertaking an in-depth study on the situation of systematic rape, sexual slavery and slavery-like practices during wartime, including in particular internal armed conflict;

2. Requests the Special Rapporteur to submit her preliminary report to the Sub-Commission at its forty-sixth session and her final report to the Sub-Commission at its forty-seventh session;

3. Invites the Special Rapporteur to take into account documentation received by its Special Rapporteur on the right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms and by the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the territory of the former Yugoslavia, and to include in her study relevant facts, legal analysis, conclusions and recommendations;

4. Requests the Special Rapporteur on the situation of systematic rape, sexual slavery and slavery-like practices during wartime, including in particular internal armed conflict to submit the results of the study to the Working Group on Contemporary Forms of Slavery at its nineteenth session;

5. Recommends the following draft decision to the Commission on Human Rights for adoption:

[For the text, see chap. I, sect. B, draft decision 2.]

33rd meeting
25 August 1993
[Adopted without a vote. See chap. XVI.]

1993/25. Submission of information pursuant to Sub-Commission resolution 7 (XXVII) of 20 August 1974

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling Commission on Human Rights resolutions 1993/41 of 5 March 1993 and 1992/31 of 28 February 1992, in which the Commission requested the Sub-Commission to formulate concrete proposals to the Secretary-General regarding the utility and the format of his reports pursuant to Sub-Commission resolution 7 (XXVII) of 20 August 1974 on the question of the human rights of persons subjected to any form of detention or imprisonment,

Bearing in mind that no replies have been received for the last two years to the requests for relevant information,

Taking account of the proposal of its sessional working group on detention, made in 1992 and 1993, that the Sub-Commission should stop consideration of this item,

Noting that the procedure established pursuant to its resolution 7 (XXVII) has been conducive to the establishment of new relevant mechanisms and procedures,

Considering that new mechanisms and procedures established, in particular thematic procedures, have dealt to a great extent with the procedure provided for by Sub-Commission resolution 7 (XXVII),

1. Decides to stop consideration of information received pursuant to its resolution 7 (XXVII) of 20 August 1974;

2. Recommends to the Secretary-General that he no longer issue reports and synopses of materials on this subject.

33rd meeting
25 August 1993
[Adopted without a vote. See chap. XI.]

1993/26. The right to a fair trial

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its resolution 1990/18 of 30 August 1990, in which it decided to entrust Mr. Chernichenko and Mr. Treat with the preparation of a study entitled "The right to a fair trial: current recognition and measures necessary for its strengthening",

Recalling also its resolutions 1991/14 of 28 August 1991 and 1992/21 of 27 August 1992, as well as Commission on Human Rights resolutions 1991/43 of 5 March 1991 and 1992/34 of 28 February 1992, and decision 1993/106 of 5 March 1993,

Having examined the preparatory report (E/CN.4/Sub.2/1990/34), the preliminary report (E/CN.4/Sub.2/1991/29), and the progress reports (E/CN.4/Sub.2/1992/24 and Add.1-3 and E/CN.4/Sub.2/1993/24 and Add.1-2) on the right to a fair trial, prepared by the Special Rapporteurs,

Welcoming the recommendation of the Special Rapporteurs that the Sub-Commission assess possible means to strengthen the right to a fair trial,

1. Expresses its appreciation to Mr. Stanislav Chernichenko and Mr. William Treat for their progress report (E/CN.4/Sub.2/1993/24 and Add.1-2), summarizing material regarding national practices on the right to a fair trial and appending a preliminary draft of a third optional protocol to the International Covenant on Civil and Political Rights;

2. Expresses its appreciation to the Governments and non-governmental organizations that provided information for the study, for example by responding to the questionnaires prepared by the Special Rapporteurs;

3. Requests the Special Rapporteurs to submit to the Sub-Commission at its forty-sixth session a final report, which should include recommendations for strengthening the implementation of the right to a fair trial, together with a draft third optional protocol to the International Covenant on Civil and Political Rights, and consider the possibility of elaborating a draft declaration or body of principles on the right to a fair trial and a remedy;

4. Requests the Secretary-General to transmit the draft third optional protocol to Governments, non-governmental organizations and the Human Rights Committee as soon as possible after the present session of the Sub-Commission, for written comments and suggestions;

5. Decides to consider at its forty-sixth session the advisability of elaborating a third optional protocol to the International Covenant on Civil and Political Rights, as well as the other recommendations of the Special Rapporteurs for strengthening the implementation of the right to a fair trial, including the possibility of elaborating a draft declaration or body of principles on the right to a fair trial and a remedy;

6. Recommends the following draft decision to the Commission on Human Rights for adoption:

[For the text, see chap. I, sect. B, draft decision 3.]

33rd meeting
25 August 1993
[Adopted without a vote. See chap. XI.]

1993/27. Application of international standards concerning the human rights of detained juveniles

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its resolutions 1991/16 of 28 August 1991, in which it requested, inter alia, the Secretary-General to explore the feasibility of organizing a meeting of experts on the application of international standards concerning the human rights of detained juveniles, and 1992/25 of 27 August 1992, in which it welcomed the proposal by the Secretary-General to organize that meeting,

1. Welcomes Commission on Human Rights resolution 1993/80 of 10 March 1993, in which the Commission welcomed the proposal by the Secretary-General to organize, within the framework of the programme of human rights activities for 1994, a meeting of experts under the auspices of the Centre for Human Rights, the United Nations Children's Fund and the Crime Prevention and Criminal Justice Branch of the Centre for Social Development and Humanitarian Affairs on the application of international standards concerning the human rights of detained juveniles;

2. Expresses the wish that the Committee on the Rights of the Child, the Working Group on Contemporary Forms of Slavery and the Working Group on Detention be represented at the meeting of experts, together with the specialized non-governmental organizations and juvenile court judges;

3. Requests the Secretary-General to provide all necessary assistance for the organization and success of the meeting of experts;

4. Also requests the Secretary-General to report on the results of the meeting to the Sub-Commission at its forty-sixth session and the Commission at its fifty-first session.

33rd meeting
25 August 1993
[Adopted without a vote. See chap. XI.]

1993/28. Question of human rights and states of emergency

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling Commission on Human Rights resolution 1983/18 of 22 February 1983, in which the Commission requested the Sub-Commission to give further consideration to the study on the implications for human rights of situations known as states of siege or emergency (E/CN.4/Sub.2/1982/15), submitted by the Special Rapporteur, Mrs. Nicole Questiaux,

Recalling also that, in the same resolution, the Commission requested the Sub-Commission to propose measures designed to ensure the respect throughout the world of human rights and fundamental freedoms in situations where states of siege or emergency existed, especially of the rights referred to in article 4, paragraph 2, of the International Covenant on Civil and Political Rights, prohibiting derogation from certain rights, even in time of public emergency,

Recalling further Economic and Social Council resolution 1985/37 of 30 May 1985 and the Sub-Commission's own resolution 1983/28 of 6 September 1983, concerning the question of human rights and states of emergency,

Recalling that, in its resolution 1985/32 of 30 August 1985, it requested the Special Rapporteur, Mr. Leandro Despouy, to draw up and update a list of countries which proclaimed a state of emergency each year and to prepare an annual report containing reliably attested information on compliance with the rules, national and international, guaranteeing the legality of the introduction of a state of emergency,

Bearing in mind that the Commission on Human Rights in its resolution 1991/34 of 5 March 1991 invited the Sub-Commission to consider the question of the effectiveness of habeas corpus and similar remedies and to formulate suggestions thereon,

Noting with interest that it was recommended that the Special Rapporteur, through Governments and international organizations, should monitor closely the implementation of Commission on Human Rights resolution 1992/35 of 28 February 1992, in which the Commission called on all States to establish a procedure such as habeas corpus and to maintain the right to such a procedure at all times and under all circumstances, including during states of emergency, and that the Special Rapporteur should report on this question,

Having noted from its thirtieth to its forty-fifth sessions the importance, for the effective enjoyment of human rights, of the principles concerning respect for the rules, national and international, guaranteeing the legality of the introduction of a state of emergency,

Noting the interest expressed by many countries in receiving technical assistance from the Special Rapporteur on states of emergency and from the United Nations Secretariat under the programme of advisory services in the field of human rights, and the work already done by the Special Rapporteur in this field,

Stressing that, according to the information available to the Special Rapporteur in preparing his sixth annual report (E/CN.4/Sub.2/1993/23), 83 States and territories - or approximately half the members of the United Nations - have proclaimed, extended, maintained or terminated, in various forms, a state of emergency since 1 January 1985,

Having noted that, in some circumstances, such as situations of war, armed conflict or internal unrest, emergency measures are adopted without a state of emergency being officially proclaimed and that such measures have an impact on human rights which warrants thorough study by the Special Rapporteur,

Noting with satisfaction the growing cooperation of Governments with the Special Rapporteur and the need to continue to analyse the information received by the Special Rapporteur with the greatest care,

Stressing that the Sub-Commission invites the Special Rapporteur to continue and expand his contacts and to hold consultations with appropriate technical institutions and experts with a view to receiving, storing and retrieving information through a data bank on states of emergency and related human rights questions,

Bearing in mind that, as in the past, the Special Rapporteur is receiving relevant observations from governmental and non-governmental sources on the draft guidelines for the development of legislation on states of emergency,

1. Expresses its deep appreciation to the Special Rapporteur, Mr. Leandro Despouy, for his sixth annual report and list of States which have proclaimed, extended or terminated a state of emergency since 1 January 1985 (E/CN.4/Sub.2/1993/23);

2. Expresses its appreciation to Governments, competent United Nations bodies, specialized agencies, regional intergovernmental organizations and competent non-governmental organizations in consultative status with the Economic and Social Council, as well as competent university and academic institutions, that have submitted information and comments to the Special Rapporteur on the question of human rights and states of emergency and invites them to continue to cooperate actively with the Special Rapporteur;

3. Recognizes the fundamental importance of the existence in each country of specific and effective national legislation enabling emergency situations to be dealt with in conformity with international norms and invites Governments that have not yet done so to consider the adoption of internal legislation consistent with the requirements of international instruments concerning states of emergency, as explained and developed in the Special Rapporteur's various reports;

4. Invites Governments to limit the introduction of states of emergency, particularly in the case of internal unrest, exclusively to situations sufficiently serious and exceptional to justify them, in order to avoid making the use of states of emergency commonplace and thus, possibly, perpetuating them;

5. Requests the Secretary General, under the United Nations programme of advisory services in the field of human rights, to furnish assistance through the Special Rapporteur to States requesting it;

6. Invites the Special Rapporteur to continue the work with which he has been entrusted and to submit to the Sub-Commission, at its forty-sixth session, the next annual report and list updated on the basis of the information received and to update his present report so that the Commission on Human Rights, at its fiftieth session, will have before it the most recent and accurate information available;

7. Also invites the Special Rapporteur to continue his work on the draft guidelines for the development of legislation on states of emergency and, in particular, to examine the question of non-derogable rights;

8. Further invites the Special Rapporteur to continue and expand his contacts and to hold consultations with appropriate technical institutions and experts with a view to receiving, storing and retrieving information relevant to his mandate;

9. Requests the Secretary-General to provide the Special Rapporteur with all the assistance he may require to carry out his work successfully and to process the information submitted to him in an effective way;

10. Decides to examine the report and updated list transmitted by the Special Rapporteur as a matter of priority at its forty-sixth session under agenda item 10 (b), entitled "Question of human rights and states of emergency";

11. Recommends the follow draft resolution to the Commission on Human rights for adoption:

[For the text, see chap. I, sect. A, draft resolution II.]

33rd meeting
25 August 1993

[Adopted without a vote. See chap. XI.]

1993/29. Study concerning the right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its resolution 1989/13 of 31 August 1989, in which it decided to entrust Mr. Theo van Boven with the task of undertaking a study concerning the right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms with a view to exploring the possibility of developing basic principles and guidelines in this respect,

Having examined the study prepared by the Special Rapporteur contained in his final report (E/CN.4/Sub.2/1993/8),

Noting with particular interest the conclusions and recommendations, and the proposed basic principles and guidelines contained in sections VIII and IX of the final report,

1. Expresses its appreciation and profound thanks to the Special Rapporteur, Mr. Theo van Boven, for the important work he has accomplished;

2. Shares the opinion of the Special Rapporteur that the question of restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms has received insufficient attention and should be addressed more consistently and more thoroughly in all its aspects both in the United Nations and other international organizations, and at the national level;

3. Decides to transmit the study of the Special Rapporteur to the Commission on Human Rights with a view to its publication and dissemination;

4. Invites the Commission on Human Rights to pay particular attention to the conclusions and recommendations contained in the study, taking into account the comments and observations made at the forty-fifth session of the Sub-Commission;

5. Decides to examine further the proposed basic principles and guidelines included in the study at its forty-sixth session and for that purpose to establish, if necessary, a sessional working group at that session with a view to adopting a body of such principles and guidelines, and requests the Secretary-General to lend the sessional working group all necessary assistance;

6. Requests the Secretary-General to invite Governments and competent intergovernmental and non-governmental organizations to submit their comments on the proposed basic principles and guidelines included in the study.

33rd meeti
25 August 19
[Adopted without a vote. See chap. V.

1993/30. Recognition of gross and large-scale violations of human rights as an international crime

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Aware that gross and large-scale violations of human rights are a matter of grave concern for mankind,

Believing that such violations, if they are perpetrated on the orders of Governments or are sanctioned by them, pose the greatest danger to mankind,

Having discussed the working paper (E/CN.4/Sub.2/1993/10 and Corr.1) submitted by Mr. Stanislav Chernichenko in accordance with its decision 1992/109 of 27 August 1992,

Considering that further measures should be taken to combat gross and large-scale violations of human rights,

1. Expresses its appreciation to Mr. Stanislav Chernichenko for the working paper on the definition of gross and large-scale violations of human rights as an international crime;

2. Decides to recommend to the Commission on Human Rights the appointment of Mr. Stanislav Chernichenko as Special Rapporteur to prepare a report entitled "Recognition of gross and large-scale violations of human rights perpetrated on the orders of Governments or sanctioned by them as an international crime";

3. Decides to consider the report of the Special Rapporteur at its forty-sixth session under the agenda item entitled "Review of further developments in fields with which the Sub-Commission has been concerned";

4. Decides also to recommend that the Special Rapporteur take into account the comments made on his working paper at its forty-fifth session;

5. Recommends that the Special Rapporteur include in his report a draft declaration on the question mentioned above;

6. Recommends the following draft decision to the Commission on Human Rights for adoption:

[For the text, see chap. I, sect. B, draft decision 4.]

33rd meeting
25 August 1993
[Adopted without a vote. See chap. V.]

1993/31. Discrimination in the context of human immunodeficiency virus (HIV) or acquired immunodeficiency syndrome (AIDS)

Mindful that respect for the principle of non-discrimination is the key to the protection and realization of fundamental human rights and freedoms as recognized and protected by international legal texts,

Convinced that discrimination against any person on the grounds of HIV infection or AIDS is a contravention of this fundamental principle,

Concerned at discriminatory laws and policies and at social stigma and discriminatory practices which deny people with HIV infection and people with AIDS, their families, friends and those associated with them, as well as those presumed to be infected or at risk of infection, enjoyment of their fundamental rights and freedoms,

Concerned also that lack of full enjoyment of their fundamental rights by persons suffering from economic, social or legal disadvantage heightens their vulnerability to the risk of HIV infection,

Bearing in mind World Health Assembly resolution WHA.45.35 of 14 May 1992 in which the Assembly recognized that there was no public health rationale for any measures that limited the rights of the individual, notably measures establishing mandatory screening, and called upon States to reinforce efforts to oppose discrimination against persons and specific groups known to be or suspected of being HIV-infected,

Recalling Commission on Human Rights resolution 1993/53 of 9 March 1993, in which the Commission called upon all States to ensure respect for human rights in the context of AIDS and to ensure full enjoyment of all rights by people with HIV or AIDS, their families and those associated with them, and to take measures to combat social stigmatization and discrimination,

Noting that, according to a report submitted to the Commission on the Status of Women at its thirty-third session (E/CN.6/1989/6/Add.1), women are especially vulnerable to the risk of HIV infection and to the economic and social impact of AIDS as a result of their disadvantaged social, legal and economic status,

Concerned that evidence indicates that other disadvantaged groups in society suffering discrimination in the enjoyment of their fundamental rights and freedoms, notably indigenous peoples, minorities, street children and other children with inadequate care and those living in poverty and social disadvantage, also appear more vulnerable to the risk of infection as a result of disadvantage in access to education, health care and social services, and that they suffer disproportionately from the economic and social consequences of the pandemic,

Concerned also that the fear and ignorance surrounding AIDS are leading to increased stigmatization of and prejudice against people with HIV or AIDS and members of particular groups in society resulting, in some countries, in increasing violence against such individuals, arbitrary detention and deportation,

Recalling World Health Assembly resolution WHA.46.37 of 14 May 1993, endorsed by the Economic and Social Council in its resolution 1993/51 of 29 July 1993, in which the Assembly requested the Director-General of the World Health Organization to study the feasibility and practicability of establishing a joint and co-sponsored United Nations programme on HIV and AIDS,

1. Expresses its deep appreciation to the Special Rapporteur, Mr. Luis Varela Quirós, for his final report on discrimination against HIV-infected people or people with AIDS (E/CN.4/Sub.2/1992/10) and endorses his conclusions and recommendations (E/CN.4/Sub.2/1993/9);

2. Calls upon all States to take all the necessary steps, including the introduction of protective legislation and appropriate education to combat discrimination, prejudice and stigma, to ensure the full enjoyment of civil, political, economic, social and cultural rights by people with HIV and AIDS,

their families and those associated with them, and people presumed to be at risk of infection, with particular attention to women, children and other vulnerable groups, in order to prevent discriminatory action against them or their social stigmatization and to ensure their access to the necessary care and support;

3. Also calls upon all States to strengthen their efforts to advance the legal, economic and social status of women and indigenous peoples, as well as of minorities and other groups suffering discrimination in the enjoyment of their rights, to render them less vulnerable to HIV infection and to the adverse socio-economic consequences of the pandemic;

4. Requests the Secretary-General to bring the present resolution to the attention of the relevant United Nations working groups and special rapporteurs, as well as to the treaty-monitoring bodies and those bodies concerned with the status and rights of women;

5. Urges the relevant United Nations working groups and special rapporteurs to consider the impact of AIDS and AIDS-related discrimination in their reports, particularly relating to contemporary forms of slavery, extreme poverty and adequate housing;

6. Expresses its grave concern at the continuation of the exploitation of children and child prostitution in that it constitutes a serious risk of AIDS transmission, and calls upon the Working Group on Contemporary Forms of Slavery to pay urgent attention to this risk;

7. Requests the Secretary-General to report to the Sub-Commission at its forty-sixth session on developments in the United Nations system following the adoption of World Health Assembly resolution WHA.46.37 of 14 May 1993 concerning the possibility of establishing a joint United Nations programme on HIV and AIDS.

33rd meeting
25 August 1993
[Adopted without a vote. See chap. V.]

1993/32. Human rights and the environment

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its resolution 1990/7 of 30 August 1990, in which it entrusted Mrs. Fatma Zohra Ksentini with the task of undertaking a study on human rights and the environment,

Recalling also Commission on Human Rights resolution 1991/44 of 5 March 1991, in which the Commission endorsed the decision of the Sub-Commission, and Economic and Social Council decision 1991/244 of 31 May 1991, in which the Council approved the endorsement of Ms. Ksentini as Special Rapporteur to prepare a study on human rights and the environment,

Recalling further its resolutions 1991/24 of 29 August 1991 and 1992/31 of 27 August 1992, in which it requested the Special Rapporteur to prepare for the Sub-Commission progress reports on the subject,

1. Takes note with appreciation of the second progress report on human rights and the environment (E/CN.4/Sub.2/1993/7) submitted by Mrs. Ksentini pursuant to Sub-Commission resolution 1992/31 of 27 August 1992, and Commission on Human Rights decision 1993/114 of 10 March 1993;

2. Endorses the recommendations contained in the second progress report;

3. Requests the Special Rapporteur to continue her study on human rights and the environment, taking into account, inter alia, the comments made at the forty-fifth session of the Sub-Commission on her preliminary and progress reports (E/CN.4/Sub.2/1991/8, E/CN.4/Sub.2/1992/7 and Add.1 and E/CN.4/Sub.2/1993/7), as well as developments in this field relevant to the study;

4. Also requests the Special Rapporteur to submit to the Sub-Commission, at its forty-sixth session, a final report, which should include a set of conclusions and recommendations aimed at developing basic principles and guidelines with respect to human rights and the environment;

5. Invites the Secretary-General to organize an expert meeting prior to the preparation of the final report in order to formulate recommendations on the way in which the right to environment could be incorporated in the activities of human rights bodies;

6. Invites the persons chairing human rights treaty monitoring bodies to include the question of the right to environment on the agenda of their next meeting and, if they so wish, to invite the Special Rapporteur to participate in that meeting;

7. Requests the Secretary-General to invite Governments, United Nations bodies, the specialized agencies, intergovernmental and non-governmental organizations, indigenous peoples' organizations and international human rights organizations to provide the Special Rapporteur with information relevant to the preparation of her report;

8. Also requests the Secretary-General to provide the Special Rapporteur with all the assistance she may require for the preparation of her study, and the necessary assistance to hold consultations with appropriate United Nations specialized agencies and intergovernmental development organizations and to compile and analyse the information and documents collected;

9. Decides to consider the final report of the Special Rapporteur at its forty-sixth session under the agenda item entitled "Review of further developments in fields with which the Sub-Commission has been concerned";

10. Recommends the following draft decision to the Commission on Human Rights for adoption:

[For the text, see chap I, sect. B, draft decision 5.]

33rd meeting
25 August 1993

[Adopted without a vote. See chap. V.]

1993/33. Traditional practices affecting the health of women and children

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its resolution 1991/23 of 29 August 1991, in which it recommended that the mandate of the Special Rapporteur, Mrs. Halima Embarek Warzazi, be extended for two years so as to enable her to submit to the Sub-Commission at its forty-fifth session a plan of action for the elimination of harmful traditional practices affecting the health of women and children, and a report on the regional seminar which would take place in Asia,

Recalling also Commission on Human Rights decision 1992/109 of 28 February 1992 approving the above recommendation,

Considering that traditional practices adversely affecting the health of women and children, such as female genital mutilation, preference for male children, nutritional taboos and other harmful practices, represent a gross violation of human rights,

Recognizing the important work accomplished in this domain by concerned non-governmental organizations,

Noting that States parties to the Convention on the Rights of the Child are enjoined to take all effective and appropriate measures with a view to abolishing traditional practices prejudicial to the health of children,

Convinced that the work to promote and advance the principles contained in the International Bill of Human Rights and other international human rights instruments cannot succeed without the full enjoyment by women of all the human rights enshrined therein and full respect for those rights,

Noting that in April 1993 the Centre for Human Rights received a favourable reply from Sri Lanka on hosting the regional seminar for Asia,

1. Welcomes the offer of the Government of Sri Lanka;

2. Recommends the following draft decision to the Commission on Human Rights for adoption:

[For the text, see chap. I, sect. B, draft decision 6.]

33rd meeting
25 August 1993
[Adopted without a vote. See chap. V.]

1993/34. Human rights dimensions of population transfer, including the implantation of settlers and settlements

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its resolution 1990/17 of 30 August 1990 and 1991/28 of 29 August 1991, in which it decided to include the question of the human rights dimensions of population transfer, including the implantation of settlers and settlements, in its future work programme with a view to considering further effective action on this matter,

Recalling also its resolution 1992/28 of 27 August 1992 and Commission on Human Rights decision 1993/104 of 4 March 1993, in which Mr. Awn Shawkat Al-Khasawneh and Mr. Ribot Hatano were entrusted with the task of preparing a preliminary study on the question,

Recalling further that the Sub-Commission in its resolution 1992/28 recognized that practices of population transfer constituted a violation of fundamental human rights,

1. Takes note with appreciation of the preliminary report on the human rights dimensions of population transfer, including the implantation of settlers and settlements (E/CN.4/Sub.2/1993/17 and Corr.1) submitted by Mr. Awn Shawkat Al-Khasawneh and Mr. Ribot Hatano, which found, inter alia, that population transfer is, prima facie, unlawful and violates a number of rights affirmed in human rights and humanitarian law for both transferred and receiving populations;

2. Endorses the conclusions and recommendations of the preliminary report;

3. Regrets that Mr. Hatano is unable to be further involved in the work on this subject as one of the Special Rapporteurs;

4. Requests Mr. Al-Khasawneh, as Special Rapporteur, to continue the study on the human rights dimensions of population transfer, including the implantation of settlers and settlements and to submit a progress report on the question to the Sub-Commission at its forty-sixth session;

5. Invites the Commission on Human Rights, at its fiftieth session, to request the Secretary-General to organize a multidisciplinary expert seminar prior to the preparation of the final report, in order to formulate appropriate final conclusions and recommendations;

6. Requests the Secretary-General to invite Governments, United Nations bodies and intergovernmental and non-governmental organizations concerned to provide the Special Rapporteur with information relevant to the preparation of his reports;

7. Also requests the Secretary-General to provide the Special Rapporteur with all the assistance he may require for the preparation of his study, and the necessary assistance to compile and analyse the information and documents collected;

8. Invites the Commission on Human Rights to request the Special Rapporteur to undertake on-site visits to diverse, ongoing cases of population transfer selected on the basis of information received for the next report;

9. Decides to consider the progress report at its forty-sixth session under the agenda item entitled "The realization of economic, social and cultural rights";

10. Recommends the following draft decision to the Commission on Human Rights for adoption:

[For the text, see chap. I, sect. B, draft decision 6.]

33rd meeting
25 August 1993

[Adopted without a vote. See chap. IX.]

1993/35. Human rights and extreme poverty

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling Commission on Human Rights resolution 1992/11 of 21 February 1992, in which the Commission requested the Sub-Commission to undertake a study on human rights and extreme poverty and to accord priority in its work to that question,

Recalling also Commission on Human Rights resolution 1993/13 of 26 February 1993 and its own resolution 1992/27 of 27 August 1992, in which it decided to appoint Mr. Leandro Despouy as Special Rapporteur with responsibility for preparing the study, bearing particularly in mind the approach defined in Commission resolution 1992/11,

Bearing in mind the invitation given to the Special Rapporteur by the Commission on Human Rights, in its resolution 1993/13 of 26 February 1993, to consider the possibility of organizing a seminar with a view to furthering reflection on the topic "Extreme poverty and the denial of human rights" and to make suggestions in that regard,

Bearing in mind also the hope expressed by the Commission on Human Rights, in its resolution 1993/13, the Commission, the Sub-Commission and the Centre for Human Rights would be fully involved in the celebration of the International Day for the Elimination of Poverty, proclaimed for 17 October each year by the General Assembly in its resolution 47/196 of 22 December 1992,

Mindful of the Vienna Declaration and Programme of Action adopted on 25 June 1993 by the World Conference on Human Rights, particularly its paragraphs I.14 and I.25, in which it is affirmed that extreme poverty constitutes a violation of human dignity and inhibits the full and effective enjoyment of human rights and that it is essential for States to foster participation by the poorest people in the decision-making process by the community in which they live, the promotion of human rights and efforts to combat extreme poverty,

1. Takes note with appreciation of the preliminary report on human rights and extreme poverty (E/CN.4/Sub.2/1993/16) submitted by the Special Rapporteur, Mr. Leandro Despouy;

2. Welcomes the approach proposed by the Special Rapporteur in his report;

3. Approves the Special Rapporteur's proposals concerning the holding of the seminar requested by the Commission on the topic "Extreme poverty and denial of human rights", which should be linked to the celebration of the International Day for the Elimination of Poverty;

4. Requests the Special Rapporteur to submit to it, at its forty-sixth session, an interim report on the topic of human rights and extreme poverty taking account of the comments made, particularly by the members of the Sub-Commission, during consideration of his preliminary report at its forty-fifth session;

5. Requests the Secretary-General to continue his consultations on the topic of human rights and extreme poverty with Governments, the specialized agencies, intergovernmental organizations and non-governmental organizations and to inform the Special Rapporteur of the conclusions of those consultations;

6. Also requests the Secretary-General to provide the Special Rapporteur with all the assistance necessary for the fulfilment of his mandate including, as appropriate, assistance from consultants with specialized knowledge of the subject;

7. Recommends the following draft resolution to the Commission on Human Rights for adoption:

[For the text, see chap. I, sect. A, draft resolution III.]

33rd meeting
25 August 1993

[Adopted without a vote. See chap. IX.]

1993/36. Promoting the realization of the right to adequate housing

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Reaffirming the right of every woman, man and child to a safe and secure place to live in peace and dignity,

Deeply concerned that in excess of one billion persons are homeless or inadequately housed, in violation of their internationally recognized and legitimate human right to adequate housing,

Disturbed that, in spite of the broad recognition accorded to the right to housing in numerous international instruments, the housing conditions of citizens worldwide are deteriorating,

Disturbed also that housing rights have not been fully recognized, in particular through domestic laws and policies,

Recalling Commission on Human Rights decision 1993/103 of 4 March 1993 and resolutions 1988/24 of 7 March 1988, 1987/22 of 10 March 1987 and 1986/36 of 12 March 1986,

Taking note of resolution 14/6 adopted on 5 May 1993 by the United Nations Commission on Human Settlements at its fourteenth session,

Recalling its resolutions 1992/26 of 27 August 1992 and 1991/26 of 29 August 1991,

1. Expresses its appreciation to the Special Rapporteur, Mr. Rajindar Sachar, for his progress report on promoting the realization of the right to adequate housing (E/CN.4/Sub.2/1993/15), and endorses the preliminary conclusions and recommendations contained in paragraphs 159 to 165 of the report;

2. Welcomes, in particular, the analysis of State responsibility and the legal obligations arising from the human right to adequate housing, and the recognition of the need for increased international cooperation;

3. Strongly encourages all Governments to pursue effective policies and legislation aimed at creating conditions for ensuring the full realization of the right to adequate housing of the entire population, concentrating on those currently homeless or inadequately housed, and to take into account the particularly negative impact on housing and living conditions that may result from the adoption of economic adjustment and other policies based exclusively upon the dictates of the free market;

4. Decides to extend the mandate of the Special Rapporteur by one year to bring the length of his mandate into accordance with the practices of the Sub-Commission and to enable him to explore fully the issues arising from the right to adequate housing;

5. Requests the Special Rapporteur to submit to the Sub-Commission, at its forty-sixth session, a second progress report on promoting the realization of the right to adequate housing and to examine, inter alia, the necessity of adopting an international declaration or convention on the right to adequate housing;

6. Invites all Governments, United Nations bodies, the specialized agencies, intergovernmental and non-governmental organizations and community-based organizations to provide the Special Rapporteur with information relevant to the preparation of his report;

7. Urges the Centre for Human Rights, and in particular the advisory services programme, to expand its expertise and make available to Governments, at their request, technical assistance on the legal and practical aspects of economic, social and cultural rights, in particular the right to adequate housing;

8. Requests the Secretary-General and the Centre for Human Rights to organize, prior to the completion of the Special Rapporteur's final report in 1995, an expert seminar on the subject "The right to adequate housing and the United Nations: towards a system-wide approach";

9. Also requests the Secretary-General to provide the Special Rapporteur with all the financial, technical and expert assistance that he may require to prepare his study and to compile and analyse the information, data, views and documents collected, including, as appropriate, assistance from consultants with expertise in the subject;

10. Decides to consider the second progress report of the Special Rapporteur at its forty-sixth session under the agenda item entitled "The realization of economic, social and cultural rights";

11. Recommends the following draft resolution to the Commission on Human Rights for adoption:

[For the text, see chap. I, sect. A, draft resolution IV.]

33rd meeting
25 August 1993
[Adopted without a vote. See chap. IX.]

1993/37. Question of the impunity of perpetrators of violations of human rights

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Guided by the principles enshrined in the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, other relevant human rights instruments and the Geneva Conventions of 12 August 1949,

Recalling the interdependence and indivisibility of civil and political rights and economic, social and cultural rights,

Convinced that the increasingly widespread practice worldwide of impunity for perpetrators of violations of human rights is a fundamental obstacle to the observance of human rights,

Recalling its resolution 1992/23 of 27 August 1992, in which it decided to request Mr. El Hadji Guissé and Mr. Louis Joinet to draft a study on the impunity of perpetrators of violations of human rights, and Commission on Human Rights resolution 1993/43 of 5 March 1993, in which the Commission endorsed the decision of the Sub-Commission,

Bearing in mind paragraph II.91 of the Vienna Declaration and Programme of Action (A/CONF.157/23), in which the World Conference on Human Rights supported the efforts of the Commission and the Sub-Commission to intensify opposition to the impunity of perpetrators of serious violations of human rights,

1. Welcomes the interim report (E/CN.4/Sub.2/1993/6) on the question of the impunity of perpetrators of violations of human rights, prepared by Mr. Guissé and Mr. Joinet pursuant to its resolution 1992/23 of 27 August 1992, and shares the opinion of the Special Rapporteurs that they should undertake a study in two stages;

2. Requests Mr. Guissé and Mr. Joinet to submit a report, including conclusions and recommendations, on the first aspect of the question of impunity, with respect to civil and political rights at its forty-sixth session;

3. Decides, having regard to the interdependence and indivisibility of civil and political rights and economic, social and cultural rights, to request the Special Rapporteurs to continue their study on the second aspect of the question, concerning economic, social and cultural rights;

4. Requests the Secretary-General to provide the Special Rapporteurs with any assistance required to enable them to discharge their task;

5. Invites Governments, competent bodies of the United Nations, the specialized agencies, regional intergovernmental organizations and non-governmental organizations to provide or continue to provide information on the question;

6. Decides to consider the report on the first aspect of the question of impunity at its forty-sixth session under the agenda item entitled "Review of further developments in fields with which the Sub-Commission has been concerned";

7. Recommends the following draft resolution to the Commission on Human Rights for adoption:

[For the text, see chap. I, sect. A, draft resolution V.]

34th meeting
26 August 1993
[Adopted without a vote. See chap. V.]

1993/38. Question of the implications for human rights of United Nations actions, including the humanitarian assistance in addressing international humanitarian problems and in the promotion and protection of human rights

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Mindful that one of the purposes of the United Nations is to achieve international cooperation in solving problems of an economic, social, cultural or humanitarian character, and in promoting and encouraging respect for human rights and fundamental freedoms for all, without distinction as to race, sex, language or religion,

Recalling General Assembly resolution 45/100 of 14 December 1990, in which the Assembly reaffirmed the cardinal importance of humanitarian assistance for the victims of natural disasters and similar emergency situations,

Recalling also General Assembly resolution 45/102 of 14 December 1990, in which the Assembly encouraged the international community to contribute substantially and regularly to international humanitarian activities, and stressing, in this context, the importance of further developing international cooperation in the humanitarian field to facilitate better understanding, mutual respect, confidence and tolerance among countries and peoples, thus contributing to a more just and non-violent world,

Considering that all States Members of the United Nations have the duty to respect and to promote respect for the basic principles of international law enshrined in Article 2 of the Charter of the United Nations, as well as to implement Articles 55 and 56,

Aware of the growing involvement of the United Nations in providing and coordinating humanitarian assistance to the victims of disasters and other emergency situations,

Recognizing the close relationship which exists between general international law, international humanitarian and human rights law, and humanitarian assistance,

Aware that the modalities of United Nations action in the humanitarian field, in particular the possibility of utilization of coercive measures in addressing international humanitarian problems, would benefit from a thorough evaluation and clarification in the light of the provisions of the Charter of the United Nations,

Reaffirming the sovereignty, territorial integrity and national unity of States, and that it is up to each State, first and foremost, to care for the victims of natural disasters and similar emergency situations occurring on its territory,

Taking into account the functions and competence established in the Charter for the principal organs of the United Nations, in particular those related to the promotion of universal respect for and observance of the human rights and fundamental freedoms of all,

Mindful of the role of the Sub-Commission, as a body of independent experts in the field of human rights, in providing United Nations competent bodies with technical advice within its area of competence,

1. Expresses its appreciation to Mrs. Claire Palley for her preparatory document on the question of the role of the United Nations in international humanitarian activities and assistance and human rights enforcement (E/CN.4/Sub.2/1993/39);

2. Reaffirms the important role of the United Nations system as a whole in encouraging international cooperation in order to promote human rights, as well as to address natural and man-made disasters, provide assistance and coordinate disaster relief;

3. Decides to recommend to the Commission on Human Rights to authorize the Sub-Commission to appoint Mrs. Claire Palley as special rapporteur on the question of the various modalities of the possibility of United Nations action under the Charter relating to humanitarian assistance when addressing humanitarian problems, taking into account the principle of non-intervention and other principles of general international law enshrined therein and the need further to develop international cooperation in the humanitarian field and the promotion and protection of human rights;

4. Requests the Special Rapporteur to submit a preliminary report at its forty-sixth session, a progress report at its forty-seventh session and her final report, if possible, at its forty-eighth session;

5. Invites the members of the Sub-Commission to submit to the Special Rapporteur their views on the question;

6. Requests the Secretary-General to provide the Special Rapporteur with all necessary assistance, including the resources required, to complete her study;

7. Recommends the following draft decision to the Commission on Human Rights for adoption:

[For the text, see chap. I, sect. B, draft decision 8.]

34th meeting
26 August 1993
[Adopted by 14 votes to none, with 7 abstentions. See chap. XX.]

1993/39. Independence of the judiciary, particularly with regard to judges and lawyers, as well as court officers

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Guided by the principles enshrined in articles 7, 8, 10 and 11 of the Universal Declaration of Human Rights and in articles 2, 14 and 26 of the International Covenant on Civil and Political Rights,

Convinced that an independent and impartial judiciary and an independent legal profession are essential prerequisites for the protection of human rights and for ensuring that there shall be no discrimination in the administration of justice,

Bearing in mind Part II, paragraphs 88, 90 and 95 of the Vienna Declaration and Programme of Action (A/CONF.157/23),

Recalling its resolutions 1990/23 of 30 August 1990, 1991/35 of 29 August 1991 and particularly its resolution 1992/38 of 28 August 1992, in which it decided to entrust the Special Rapporteur, Mr. Louis Joinet, with the preparation of a report on the independence of the judiciary,

Recalling also Commission on Human Rights resolution 1993/44 of 5 March 1993, in which the Commission endorsed the decision of the Sub-Commission,

Noting on the one hand the increasingly frequent attacks on their independence suffered by judges and lawyers and court officers, and on the other hand the link between the weakening of safeguards for the judiciary and the intensity of violations of human rights,

1. Welcomes the report on the independence of the judiciary and the protection of practising lawyers, prepared by the Special Rapporteur, Mr. Louis Joinet, pursuant to Sub-Commission resolution 1992/38 (E/CN.4/Sub.2/1993/25 and Add.1) as the final report;

2. Calls on Governments to strengthen the independence of judges and lawyers and court officers, as a fundamental element in the protection of human rights;

3. Accordingly recommends to the Commission on Human Rights to create a monitoring mechanism to follow up the question of the independence and impartiality of the judiciary, particularly with regard to judges and lawyers, as well as court officers, and the nature of problems liable to attack this independence and impartiality, and recommends that it take the form of a special rapporteur whose mandate could consist of the following tasks:

(a) To submit any allegations transmitted to the special rapporteur to adversarial examination;

(b) To identify and record attacks on the independence of the judiciary and to provide technical assistance when requested;

(c) To study, for the purpose of making proposals, certain questions of principle, inter alia justice and the fight against serious crime (including terrorism and drug trafficking), justice and situations of emergency, justice and the media, the status of the prosecuting authority, which, in view of their importance and topicality, are priority matters;

4. Requests the Secretary-General to provide the special rapporteur with all the assistance necessary for the completion of his task;

5. Recommends the following draft resolution to the Commission on Human Rights:

[For the text, see chap. I, sect. A, draft resolution VI.]

34th meeting
26th August 1993
[Adopted without a vote. See chap. XII.]

1993/40. Human rights and income distribution

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Reaffirming the indivisibility, interdependence and interrelated nature of economic, social and cultural rights and civil and political rights,

Mindful that the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and a wide range of additional texts provide unequivocally that all persons are entitled to the full realization of economic, social and cultural rights,

Recalling paragraph I.10 of the Vienna Declaration and Programme of Action (A/CONF.157/23), in which the World Conference on Human Rights, inter alia reaffirmed the right to development as a universal and inalienable right and an integral part of human rights, and urged States and the

international community to promote an effective international cooperation for the realization of the right to development and the elimination of obstacles to development,

Aware that all States have legally binding obligations to respect, protect and fulfil economic, social and cultural rights,

Convinced that equal attention and urgent consideration should be given to the implementation, promotion and protection of civil, political, economic, social and cultural rights,

Recalling the reports of the Special Rapporteur on the realization of economic, social and cultural rights, Mr. Danilo Türk, in particular his final report (E/CN.4/Sub.2/1992/16, paras. 76-84), which addressed a range of issues concerning the relationship between the enjoyment of human rights and income distribution,

Noting its resolution 1992/29 of 27 August 1992, in which it decided to consider, at its forty-fifth session, the possibility of examining in a future study the subject of income distribution and the realization of economic, social and cultural rights,

Noting also Commission on Human Rights resolution 1993/14 of 26 February 1993, in which the Commission took note of the decision of the Sub-Commission to consider the possibility of studying the subject of income distribution and the realization of economic, social and cultural rights,

Disturbed that, according to the United Nations Development Programme Human Development Report of 1992 and 1993, income distribution both within and between nations is becoming increasingly unbalanced, with income concentrated in fewer and fewer hands,

Deeply alarmed that the gap between the rich and the poor has more than doubled over the past three decades, with the richest twenty per cent of the world maintaining an eighty-three per cent share of global income,

Conscious of the impact of inequitable income distribution on the realization of the rights to health, education, housing, food, environmental quality and other economic, social and cultural rights,

Aware that the relationship between income distribution and growing levels of poverty, as well as the violation of human rights, requires further in-depth research and analysis by the human rights community,

Recalling the numerous legal foundations of economic, social and cultural rights within international law, as well as within various domestic legal systems,

Reiterating the fundamental principles of equality of treatment, human dignity, equity and justice,

Affirming the inherent linkages between the enjoyment of all human rights, in particular economic, social and cultural rights, and the striving towards a more equitable distribution of economic resources both within and between nations,

Taking note of the Declaration on the Right to Development (General Assembly resolution 41/128 of 4 December 1986, annex),

1. Urges all States to undertake political, economic, fiscal, social, legal and other necessary measures designed to ensure more equitable access to and control over economic and other resources;

2. Also urges the international community, the bodies and organizations of the United Nations system, the specialized agencies, the international financial institutions and other relevant actors to undertake measures designed to close the current widening gap in income distribution, both within and between nations;

3. Decides to entrust Mr. Asjbørn Eide with the task of producing, without financial implications, a preparatory document on the relationship between the enjoyment of human rights, in particular economic, social and cultural rights, and income distribution, at both national and international levels, taking also into account matters related to the realization of the right to development, with a view to determining how most effectively to strengthen activities in this field;

4. Requests Mr. Eide to consult the widest possible variety of sources in the preparation of the preparatory document, including those of non-governmental organizations;

5. Decides to examine the preparatory document to be submitted by Mr. Eide at its forty-sixth session in order to consider further action on the matter.

34th meeting
26 August 1993

[Adopted without a vote. See chap. IX.]

1993/41. Forced evictions

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its resolutions 1992/14 of 27 August 1992 and 1991/12 of 26 August 1991,

Recalling also Commission on Human Rights resolution 1993/77 of 10 March 1993,

Reaffirming that every woman, man and child has the right to a secure place to live in peace and dignity,

Concerned that, according to United Nations statistics, in excess of one billion persons throughout the world are homeless or inadequately housed, and that this number is growing,

Recognizing that the practice of forced eviction involves the involuntary removal of persons, families and groups from their homes and communities, resulting in increased levels of homelessness and in inadequate housing and living conditions,

Disturbed that forced evictions and homelessness intensify social conflict and inequality and invariably affect the poorest, most socially, economically, environmentally and politically disadvantaged and vulnerable sectors of society,

Aware that forced evictions can be carried out, sanctioned, demanded, proposed, initiated or tolerated by a range of actors,

Aware also that racially motivated and other discriminatory motives are behind a large number of forced evictions,

Emphasizing that ultimate legal responsibility for preventing forced evictions rests with Governments,

Recalling that General Comment No. 2 (1990) on international technical assistance measures, adopted by the Committee on Economic, Social and Cultural Rights at its fourth session, states, inter alia, that international agencies should scrupulously avoid involvement in projects which involve, among other things, large-scale evictions or displacement of persons without the provision of all appropriate protection and compensation (E/1990/23, annex III, para. 6),

Mindful of the questions concerning forced eviction included in the guidelines for States' reports submitted in conformity with articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights (E/1991/23, annex IV),

Noting with appreciation that the Committee on Economic, Social and Cultural Rights, in its General Comment No. 4 (1991) considered that instances of forced eviction were, prima facie, incompatible with the requirements of the International Covenant on Economic, Social and Cultural Rights and could only be justified in the most exceptional circumstances, and in accordance with the relevant principles of international law (E/1992/23, annex III, para. 18),

Noting the observations of the Committee on Economic, Social and Cultural Rights at its fifth to eighth sessions concerning forced evictions,

Noting also the inclusion of forced evictions as one of the primary causes of the international housing crisis in the working paper and first progress report of the Special Rapporteur on promoting the realization of the right to adequate housing, Mr. Rajindar Sachar (E/CN.4/Sub.2/1992/15 and E/CN.4/Sub.2/1993/15),

1. Reaffirms that the practice of forced eviction constitutes a gross violation of human rights, in particular the right to adequate housing;

2. Strongly urges Governments to undertake all necessary immediate measures, at all levels, aimed at rapidly eliminating the practice of forced eviction;

3. Also strongly urges Governments to confer legal security of tenure on all persons currently threatened with forced eviction and to adopt all necessary measures giving full protection against forced eviction, based upon effective participation, consultation and negotiation with affected persons or groups;

4. Recommends that all Governments provide immediate restitution, compensation and/or appropriate and sufficient alternative accommodation or land, consistent with their wishes or needs, to persons and communities that have been forcibly evicted, following mutually satisfactory negotiations with the affected persons or groups;

5. Invites all international financial, trade, development and other related institutions and agencies to take fully into account the views contained in the present resolution, and pronouncements under international law on the practice of forced eviction;

6. Invites all country and thematic rapporteurs of both the Sub-Commission and the Commission on Human Rights to include instances of forced eviction in their respective reports and to seek to monitor the practice;

7. Decides to consider the issue of forced evictions at its forty-sixth session and to discuss the analytical report of the Secretary-General prepared in accordance with Commission on Human Rights resolution 1993/77 under the agenda item entitled "The realization of economic, social and cultural rights" and determine how most effectively to continue its consideration of the issue of forced evictions.

34th meeting
26 August 1993

[Adopted without a vote. See chap. IX.]

1993/42. Rights of persons belonging to national or ethnic, religious and linguistic minorities

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Welcoming General Assembly resolution 47/135 of 18 December 1992, in which the Assembly adopted the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities,

Aware of Commission on Human Rights resolution 1993/24 of 5 March 1993 on the rights of persons belonging to national or ethnic, religious and linguistic minorities,

Aware also of article 27 of the International Covenant on Civil and Political Rights concerning the rights of persons belonging to ethnic, religious or linguistic minorities,

Recognizing that the role of the United Nations in the protection of national or ethnic minorities should increase,

Concerned about the situation of national minorities in the areas of armed conflict in former Yugoslavia, the former Soviet Union, and in other regions and countries,

Desirous of increasing the effectiveness of the implementation of the Declaration of the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities,

1. Appeals to all States to take all the necessary municipal legislative, administrative and other measures to promote and give effect to the principles of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, paying special attention to the protection of the rights of national or ethnic minorities in areas of armed conflict;

2. Strongly appeals to all States to conclude bilateral or, where possible, multilateral agreements in order to ensure the rights of national or ethnic minorities in their countries, and to observe them in accordance with the standards of international humanitarian law in cases of armed conflict which directly affect their interests;

3. Requests the Secretary-General to make available the resources needed to provide monitoring, advisory assistance and financing to States in connection with their activities related to the protection of the rights of minorities.

34th meeting
26 August 1993
[Adopted without a vote. See chap. XVIII.]

1993/43. Protection of minorities

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Aware that the protection of different ethnic and religious groups is at the core of the mandate of the Sub-Commission,

Deeply disturbed by the occurrence of ethnic and religious violence in many parts of the world,

Convinced that neither minorities nor majorities are entitled to assert their identity in ways which deny others the possibility to do the same, or which lead to discrimination in the national society as a whole,

Convinced also of the need to search for peaceful and constructive solutions to situations involving minorities in accordance with international law, including respect for the territorial integrity and political independence of States,

Taking note of the adoption by the General Assembly, in its resolution 47/135 of 18 December 1992, of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, and convinced that its implementation is the best guidance for such endeavours,

Observing that all groups should cooperate peacefully in the search for constructive accommodation of their respective concerns and should abstain from any use of violence,

Taking into account Commission on Human Rights resolution 1993/24 of 5 March 1993,

Taking also into account the views expressed during the discussion of the final report on possible ways and means of facilitating the peaceful and constructive solution of problems involving minorities (E/CN.4/Sub.2/1993/34 and Add.1-4) submitted by the Special Rapporteur, Mr. Asbjørn Eide,

1. Expresses its deep appreciation to the Special Rapporteur, Mr. Asbjørn Eide, for his final report on possible ways and means of facilitating the peaceful and constructive solution of problems involving minorities (E/CN.4/Sub.2/1993/34 and Add.1-4);

2. Expresses its gratitude to those States which have supplied the Special Rapporteur with information on their national experiences in this field;

3. Recommends that the study be published in all the official languages of the United Nations and given the widest possible circulation;

4. Endorses in general terms the recommendations contained in the report (E/CN.4/Sub.2/1993/34/Add.4);

5. Urges the relevant treaty bodies to take note of recommendations 48 to 55 and recommendation 65;

6. Also urges the specialized agencies, notably the International Labour Organisation, the United Nations Educational, Scientific and Cultural Organization, the World Bank and the International Monetary Fund, and other United Nations bodies, including the Office of the United Nations High Commissioner for Refugees, to take account of recommendations 56 to 63 of the report;

7. Invites States to take note of and to act upon the recommendations contained in recommendations 4 to 22 of the report;

8. Underlines that members of minorities should recognize and abide by their responsibility to society, as noted in recommendation 20;

9. Invites States to take into account, in their bilateral and regional cooperation, recommendations 25 to 34 of the report;

10. Recommends that non-governmental organizations study and act upon recommendations 66 to 68 of the report;

11. Invites international religious organizations to take into account, in their work, recommendation 69 of the report;

12. Recommends to the Commission on Human Rights:

(a) To study the proposal contained in recommendation 44 of the report aimed at the establishment of a working group on minority issues open to representatives of both Governments and minorities, and the mandate to be given to such a group;

(b) To study and to give advice to the Centre for Human Rights concerning recommendations 46 and 47 of the report, in particular on ways in which the programme of technical assistance and advisory services can help in the prevention of group conflicts;

13. Decides to consider at its next session the follow-up to be given to the report, including the feasibility and usefulness of the preparation of a more comprehensive programme for the prevention of discrimination and protection of minorities;

14. Entrusts Mr. Asbjørn Eide with the task of preparing, without financial implications, a working paper containing suggestions for such a programme.

35th meeting
26 August 1993
[Adopted without a vote. See chap. XVIII.]

1993/44. Cultural and intellectual property of indigenous peoples

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its resolution 1991/32 of 29 August 1991, in which it decided to entrust Mrs. Erica-Irene A. Daes, as Special Rapporteur, with the task of preparing a study of measures which should be taken by the international community to strengthen respect for the cultural property of indigenous peoples,

Recalling also Economic and Social Council decision 1992/256 of 20 July 1992, in which the Council endorsed the appointment of Mrs. Erica-Irene A. Daes as Special Rapporteur with the mandate to prepare a study on the protection of the cultural and intellectual property of indigenous peoples,

Bearing in mind the conclusions and recommendations of the United Nations Technical Conference on Practical Experience in the Realization of Sustainable and Environmentally Sound Self-development of Indigenous Peoples (E/CN.4/Sub.2/1992/31, sect. V),

Aware of the importance attached by the United Nations Conference on Environment and Development to the traditional knowledge of indigenous peoples,

Mindful of the relevant conclusions and recommendations contained in the report of the Working Group on Indigenous Populations on its eleventh session (E/CN.4/Sub.2/1993/29),

Having considered the study prepared by the Special Rapporteur (E/CN.4/Sub.2/1993/28),

1. Expresses its deep appreciation to the Special Rapporteur, Mrs. Erica-Irene A. Daes, for her comprehensive study on the protection of the cultural and intellectual property of indigenous peoples;

2. Endorses the conclusions and recommendations contained in the study and, in particular, affirms that the heritage of indigenous peoples is their own property, collective and inalienable;

3. Decides that the title of the study should be "Protection of the heritage of the indigenous peoples";

4. Requests the Special Rapporteur to expand her study with a view to elaborating draft principles and guidelines for the protection of the heritage of the indigenous peoples and to submit a preliminary report containing such principles and guidelines at its forty-sixth session;

5. Recommends the following draft decision to the Commission on Human Rights for adoption:

[For the text, see chap. I, sect. B, draft decision 11.]

35th meeting
26 August 1993
[Adopted without a vote. See chap. XV.]

1993/45. Discrimination against indigenous peoples

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Bearing in mind that one of the purposes of the United Nations, as set forth in the Charter, is the achievement of international cooperation in solving international problems of an economic, social, cultural or humanitarian character, and in promoting and encouraging respect for human rights and fundamental freedoms for all without discrimination as to race, sex, language or religion,

Recognizing the urgent need to recognize, promote and protect more effectively the human rights and fundamental freedoms of indigenous peoples,

Recalling Economic and Social Council resolution 1982/34 of 7 May 1982, in which the Council authorized the Sub-Commission to establish annually a working group on indigenous populations,

Recalling also General Assembly resolution 47/75 of 14 December 1992 on the International Year of the World's Indigenous People, 1993,

Taking note with appreciation of the report of the Working Group on its eleventh session (E/CN.4/Sub.2/1993/29 and Add.1-2), and, in particular, of the conclusions and recommendations,

Mindful of the relevant recommendations adopted by the World Conference on Human Rights, in particular those contained in Part I, paragraph 20 and Part II, paragraphs 28 to 32 of the Vienna Declaration and Programme of Action (A/CONF.157/23),

1. Expresses its deep appreciation to the Working Group on Indigenous Populations and in particular to its Chairperson-Rapporteur, Ms. Erica-Irene A. Daes, for the work it has accomplished during its eleventh session;

2. Endorses, in particular, the recommendation contained in Part II, paragraph 32 of the Vienna Declaration and Programme of Action of the World Conference on Human Rights, referring to the proclamation by the General Assembly of an international decade of the world's indigenous peoples, to begin from January 1994;

3. Decides to recommend to the Commission on Human Rights the holding of a seminar on indigenous land rights and claims, in which representatives of indigenous peoples, Governments and experts will participate, with a view to considering obstacles and problems related to these issues, and to analysing and evaluating innovative legal procedures and recent court decisions, as well as positive measures taken by States in this area;

4. Also decides to request the Commission on Human Rights to recommend to the Economic and Social Council that the annual report of the Working Group be made more widely available by being issued as a United Nations sales publication;

5. Further decides to request the Commission on Human Rights to recommend to the Economic and Social Council that it approve the participation of the Chairperson-Rapporteur, Mrs. Erica-Irene A. Daes, in the closing ceremony of the International Year of the World's Indigenous People, which will take place in New York;

6. Requests the Secretary-General to consider establishing, as soon as possible, a permanent forum for indigenous peoples in the United Nations system;

7. Also requests the Secretary-General to prepare an annotated agenda for the twelfth session of the Working Group containing, inter alia, the following items: standard-setting activities, review of developments, the study of treaties and agreements and other constructive arrangements with indigenous peoples and States an international decade of the world's indigenous peoples, the Voluntary Fund for Indigenous Populations and the United Nations operational activities and indigenous peoples;

8. Decides to recommend to the Commission on Human Rights the following decision for adoption:

[For the text, see chap. I, sect. B, draft decision 12.]

35th meeting
26 August 1993

[Adopted without a vote. See chap. XV.]

1993/46. Draft United Nations declaration on the rights of indigenous peoples

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its resolutions 1992/33 of 27 August 1992, 1991/30 of 29 August 1991 and 1985/22 of 29 August 1985,

Taking into account, in particular, paragraph 2, of its resolution 1992/33, in which it endorsed the plan adopted by its Working Group on Indigenous Populations at its tenth session for the completion of the second reading of the text of the draft declaration on the rights of indigenous peoples at its eleventh session and the possible submission of the draft declaration to the Sub-Commission at its forty-fifth session,

Bearing in mind General Assembly resolution 47/75 of 14 December 1992, paragraph 12 of Commission on Human Rights resolution 1993/30 of 5 March 1993, paragraph 6 (a) of Commission resolution 1993/31 of 5 March 1993 and paragraph II.28 of the Vienna Declaration and Programme of Action (E/CN.4/Sub.2/1993/23),

Having considered the report of the Working Group in Indigenous Populations on its eleventh session (E/CN.4/Sub.2/1993/29 and Add.1-2),

Taking into account the contents of chapter X of that report,

Welcoming the conclusion of the deliberations of the Working Group on the draft declaration on the rights of indigenous peoples,

1. Expresses its satisfaction at the conclusion of the deliberations on the draft declaration on the rights of indigenous peoples by the Working Group on Indigenous Populations at its eleventh session;

2. Expresses its gratitude to the Chairperson-Rapporteur of the Working Group, Mrs. Erica-Irene A. Daes, for her contribution to the process of drafting the draft declaration;

3. Decides:

(a) That the draft declaration shall be entitled "United Nations Declaration on the Rights of Indigenous Peoples";

(b) To postpone until its forty-sixth session consideration of the draft declaration agreed upon by the members of the Working Group in private meetings during its eleventh session and contained in annex I to the report of the Working Group (E/CN.4/Sub.2/1993/29);

(c) To request the Secretary-General to submit the draft declaration, as soon as possible, to the appropriate services within the Centre for Human Rights for its technical revision;

(d) To request also the Secretary-General to transmit the text of the draft declaration to indigenous peoples and organizations, Governments and intergovernmental and non-governmental organizations, as soon as the technical revision of the draft declaration is completed and no later than 31 March 1994, and to include in the note of transmittal an explicit reference to the fact that no further amendments to the technically revised text will be accepted during the future standard-setting proceedings of the Working Group;

(e) To consider the draft United Nations declaration at its forty-sixth session, in 1994, and, if possible, to submit it to the Commission on Human Rights with the recommendation that the Commission consider and adopt it at its fifty-first session, in 1995, on the understanding that the report of the Working Group on its twelfth session will contain a summary of general views expressed by the participants on the draft declaration;

4. Recommends to the Commission on Human Rights and to the Economic and Social Council to take special measures to enable indigenous peoples to participate fully and effectively, without regard to consultative status, in the consideration of the draft United Nations declaration.

35th meeting
26 August 1993

[Adopted without a vote. See chap. XV.]

B. Decisions

1993/101. Organization of work

At its 2nd meeting, on 3 August 1993, the Sub-Commission decided, without a vote, to invite the following persons to participate in its meetings:

(a) In connection with item 4: Mr. Luis Varela Quiros, to submit his final report on discrimination against HIV-infected people or people with AIDS (E/CN.4/Sub.2/1993/9);

(b) In connection with item 4: Mr. Theo van Boven, to submit the final report on the right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms (E/CN.4/Sub.2/1993/8);

(c) In connection with item 10 (d): Mr. William Treat, to submit his third report on the right to a fair trial together with Mr. Stanislav Chernichenko (E/CN.4/Sub.2/1993/24 and Add.1-2);

(d) In connection with item 15: Mr. Vitit Muntarbhorn, Special Rapporteur of the Commission on Human Rights on the sale of children, child prostitution and child pornography (pursuant to Commission resolution 1993/82 of 10 March 1993);

(e) In connection with the report of the Commission on Human Rights on its forty-ninth session (E/1993/23-E/CN.4/1993/122): Mr. Mohamed Ennaceur, Chairman of the forty-ninth session of the Commission on Human Rights.

[See chap. III.]

1993/102. Adoption of the agenda of the forty-fifth session of the Sub-Commission

At its 2nd meeting, on 3 August 1993, the Sub-Commission decided, without a vote: (i) To replace agenda item 5 (b), entitled "Adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist regime of south Africa", by a new subitem, entitled "Monitoring of the transition to democracy in South Africa"; (ii) To include a new item, entitled "Implications of humanitarian activities for the enjoyment of human rights", on the agenda, as item 19.

[See chap. III.]

1993/103. Establishment of a sessional working group on detention

At its 2nd meeting, on 3 August 1993, the Sub-Commission decided, without a vote, to establish a sessional working group on detention.

[See chap. III.]

1993/104. Question of the reform of the procedure governed by Economic and Social Council resolution 1503 (XLVIII)

At its 15th meeting, on 12 August 1993, the Sub-Commission decided, without a vote, to study the question of the reform of the procedure governed by Economic and Social Council resolution 1503 (XLVIII) of 27 May 1970, including the possible abolition of that procedure, at its forty-sixth session, under item 3 of its provisional agenda, and requested the secretariat to prepare a working paper on the subject for consideration at that session and to obtain the opinion of the United Nations Legal Counsel on the interpretation to be given to paragraph 10 of resolution 1503 (XLVIII).

[See chap. VII.]

1993/105. Decision taken under agenda item 10

At its 19th meeting, on 16 August 1993, the Sub-Commission on Prevention of Discrimination and Protection of Minorities decided, by 6 votes to 4, with 7 abstentions, to request its Chairman to request the competent authorities of the United States of America to provide official information to the Sub-Commission on the incident that took place on 29 July 1993 in Laredo, Texas, in connection with a donation intended for religious institutions in Cuba, which resulted in a hunger strike maintained for 17 days by 13 persons who considered that they were prevented from exercising their civil rights and whose health was deteriorating.

[See chap. XI.]

1993/106. Voting by secret ballot on proposals pertaining to allegations of violations of human rights in countries

At its 26th meeting, on 20 August 1993, the Sub-Commission decided, without a vote, pursuant to Economic and Social Council resolution 1991/32 of 31 May 1991, to vote by secret ballot, whenever such a vote was requested, on proposals pertaining to allegations of violations of human rights in countries, including proposals of a procedural nature relating to proposals of a substantive nature.

[See chap. VII.]

1993/107. Situation in Tibet

At its 26th meeting, on 20 August 1993, the Sub-Commission decided, under rule 65, paragraph 2, of the rules of procedure of the functional commissions of the Economic and Social Council, by secret ballot, by 17 votes to 6, with 2 abstentions, to take no decision on draft resolution E/CN.4/Sub.2/1993/L.26.

[See chap. VII.]

1993/108. Arbitrary and summary executions

At its 33rd meeting, on 25 August 1993, the Sub-Commission decided, under rule 65, paragraph 2, of the rules of procedure of the functional commissions of the Economic and Social Council, by secret ballot by 17 votes to 7, with 1 abstention, to take no decision on draft resolution E/CN.4/Sub.2/1993/L.21.

[See chap. XI.]

1993/109. Question of the privatization of prisons

At its 33rd meeting, on 25 August 1993, the Sub-Commission on Prevention of Discrimination and Protection of Minorities, having discussed the outline prepared by Mrs. Claire Palley on this question (E/CN.4/Sub.2/1993/21), expressed its deep satisfaction at the results of her work and decided, without a vote, to request the Commission on Human Rights to authorize the Sub-Commission at its forty-sixth session to appoint one of its members to undertake a special study, inter alia on all the issues mentioned in chapter IV of the above-mentioned outline.

[See chap. XI.]

1993/110. Study on treaties, agreements and other constructive arrangements between States and indigenous populations

At its 35th meeting, on 26 August 1993, the Sub-Commission, recalling its resolutions 1990/28 of 31 August 1990 and 1989/38 of 1 September 1989 and its decisions 1992/110 of 24 August 1992 and 1991/111 of 29 August 1991, welcomed the discussions held at the eleventh session of the Working Group on Indigenous Populations on the first progress report on the study on treaties, agreements and other constructive arrangements between States and indigenous populations (E/CN.4/Sub.2/1992/32), submitted in 1992 by the Special Rapporteur, Mr. Miguel Alfonso Martínez, and decided, without a vote, to reiterate its request to the Special Rapporteur to submit a second progress report on the study to the Working Group at its twelfth session and to the Sub-Commission at its forty-sixth session. It also decided to request the Secretary-General to give the Special Rapporteur all the assistance necessary to allow him to continue his work, in particular by providing for the specialized research assistance required and for the necessary trips to Geneva for consultation with the Centre for Human Rights. The Sub-Commission further decided to recommend to the Commission on Human Rights that it request the Economic and Social Council to endorse its decision.

[See chap. XV.]

1993/111. Composition of the pre-sessional working groups of the Sub-Commission

At its 36th meeting, on 27 August 1993, the Sub-Commission approved the following composition of the pre-sessional working groups of the Sub-Commission, with the understanding that, in view of the forthcoming elections for half of the members of the Sub-Commission, to be held during the fiftieth session of the Commission on Human Rights, the Chairman of the Sub-Commission, in consultation with the regional groups, would take the necessary action to replace any members of the pre-sessional working groups not re-elected to the Sub-Commission.

[See chaps. X and XVI.]

Regional Groups	Communications	Indigenous Populations	Contemporary Forms of Slavery
ASIA	Mr. Tian Jin	Mr. Hatano	Mr. Ul-Hakim
AFRICA	Mr. Yimer	Mr. Ramadhane Mr. Khalil (alternate)	Mrs. Warzazi
LATIN AMERICA	Mrs. Forero Mr. Heller (alternate)	Mr. Alfonso Martínez Mr. Despouy (alternate)	Mr. Saboia Mrs. Ferriol Echevarría (alternate)
WESTERN EUROPE	Mrs. Palley	Mrs. Daes	Mr. Bossuyt
EASTERN EUROPE	Mr. Ramishvili	Mr. Boutkevitch	Mr. Maxim

III. ORGANIZATION OF THE FORTY-FIFTH SESSION

A. Opening and duration of the session

1. The Sub-Commission on Prevention of Discrimination and Protection of Minorities held its forty-fifth session at the United Nations Office at Geneva from 2 to 27 August 1993. It held 36 meetings (E/CN.4/Sub.2/1993/SR.1-36 and Adds.) during the session, of which three meetings were extended to the equivalent of five additional meetings.

2. The session was opened by Mr. Miguel Alfonso Martínez, Chairman of the Sub-Commission on the Prevention of Discrimination and Protection of Minorities at its forty-fourth session, who made a statement. On behalf of the Assistant-Secretary-General for Human Rights, a representative of the Centre for Human Rights addressed the Sub-Commission at its 1st meeting. At its 18th meeting, on 16 August 1993, the Assistant-Secretary-General for Human Rights addressed the Sub-Commission.

B. Attendance

3. The session was attended by members of the Sub-Commission, by observers from States Members of the United Nations, by observers from non-member States and by representatives of intergovernmental organizations, national liberation movements and non-governmental organizations. An attendance list is given in annex II to the present report.

C. Election of officers

4. At its 1st meeting, on 2 August 1993, the Sub-Commission elected the following officers by acclamation:

Chairman:	Mr. Awn Shawkat Al-Khasawneh
Vice-Chairmen:	Mr. Fisseha Yimer Mrs. Clemencia Forero Ucros Mr. Asbjørn Eide
Rapporteur:	Mr. Ioan Maxim

D. Adoption of the agenda

5. Also at its 1st meeting, the Sub-Commission had before it the provisional agenda for the forty-fifth session (E/CN.4/Sub.2/1993/1 and Add.1), drawn up, in accordance with rule 5 of the rules of procedure of the functional commissions of the Economic and Social Council, on the basis of the draft provisional agenda considered by the Sub-Commission at its forty-fourth session in accordance with paragraph 3 of Economic and Social Council resolution 1894 (LVII).

6. At the same meeting, statements were made with regard to the provisional agenda for the forty-fifth session by Mr. Alfonso Martínez, Mrs. Chavez, Mr. Chernichenko, Mrs. Daes, Mr. Eide, Mr. Hakim, Mr. Heller, Mr. Joinet, Mr. Khalifa, Mrs. Palley, Mr. Sachar and Mrs. Warzazi.

7. Mr. Khalifa proposed the replacement of agenda item 5 (b), entitled "Adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist regime of South Africa", by a new subitem, entitled "Monitoring of the transition to democracy in South Africa".

8. Mrs. Warzazi proposed the inclusion of a new item on the agenda dealing with the question of humanitarian intervention and assistance.

9. At the same meeting, the agenda was adopted without a vote, subject to the proposed amendments being decided upon later.

10. At its 2nd meeting, on 3 August 1993, upon the recommendation of its officers, the Sub-Commission decided: (i) to replace agenda item 5 (b) by a new subitem entitled "Monitoring the transition to democracy in South Africa" and (ii) to include on the agenda as item 19 a new item entitled "Implications of humanitarian activities for the enjoyment of human rights" and to renumber the original items 19 and 20 accordingly.

11. For the text of the decision, see chapter II, section B, decision 1993/102.

12. The agenda as revised was adopted without a vote. For the text, see annex I to the present report.

E. Organization of work

13. At its 2nd meeting, on 3 August 1993, upon the recommendation of its officers, the Sub-Commission decided to invite a number of experts and Special Rapporteurs to participate in the meetings at which their reports were to be considered.

14. For the text of the decision as adopted, see chapter II, section B, decision 1993/101.

15. Also at its 2nd meeting, the Sub-Commission accepted the recommendation of its officers regarding the order of statements and limitation of the frequency and duration of statements, taking into account the guidelines the Sub-Commission had adopted at its forty-fourth session concerning its methods of work (resolution 1992/8). Statements could be made by members at any time. Statements by observers for organizations would be given priority over those by government observers. Members of the Sub-Commission were to be limited to statements of 20 minutes; observers from non-governmental and intergovernmental organizations and States to one statement of 10 minutes, and on composite items to a second statement of 5 minutes. It was also agreed

that, with regard to statements equivalent to the right of reply, a first statement would be limited to 5 minutes and a second to 3 minutes. Special Rapporteurs would be permitted to speak for 35 minutes on their reports, to be divided between the introduction of the report and the concluding remarks.

16. Also, at its 2nd meeting, the Sub-Commission, bearing in mind the respective priority of the items and the availability of the relevant documentation, accepted the recommendation of its officers to consider the items on its agenda in the following order: 1, 2, 3, 5, 13, 15, 16, 6, 18, 12, 10, 11, 4, 7, 8, 14, 17, 9, 19, 20.

17. Also at its 2nd meeting, the Sub-Commission decided, without a vote, to set up a sessional working group on detention.

18. At the 6th meeting, on 5 August 1993, the Chairman announced that the Working Group on Detention would be composed of Mr. Alfonso Martínez, Mr. Boutkevitch, Mrs. Chavez, Mr. Despouy, Mr. Guissé and Mr. Sachar. Mr. Alfonso Martínez would replace Mr. Despouy during his absence.

19. For the text of the decision, see chapter II, section B, decision 1993/103.

F. Meetings, resolutions and documentation

20. Written communications transmitted by Governments and non-governmental organizations for circulation at the forty-fifth session of the Sub-Commission are mentioned in the chapter on the items to which the communications refer.

21. The Sub-Commission adopted resolutions 1993/1 to 1993/46 and took 11 decisions. The texts of these resolutions and decisions appear in chapter II, sections A and B respectively.

22. Draft resolutions and decisions for action or consideration by the Commission on Human Rights are set out in chapter I, sections A and B respectively.

23. Information concerning the administrative and programme budget implications of the resolutions and decisions adopted by the Sub-Commission at its forty-fifth session is provided in annex III.

24. A list of the resolutions referring to matters drawn to the attention of the Commission on Human Rights is contained in annex IV.

25. A list of studies under preparation, drawn up in accordance with Commission on Human Rights resolution 1982/23, appears in annex V.

26. A list of documents issued for the forty-fifth session of the Sub-Commission appears in annex VI.

G. Other matters

27. At its 1st meeting, on 2 August 1993, the Sub-Commission, in accordance with its decision 1985/109, observed a minute of silence in honour of the victims of the evil and inhuman system of apartheid in South Africa.

28. Also at its 1st meeting, the Chairman of the forty-fourth session made a statement on behalf of the Sub-Commission, expressing condolences on the death on 31 July 1993 of King Baudouin of Belgium. Statements were also made by Mr. Bossuyt and the observer for Belgium.

29. At the 5th meeting, on 4 August 1993, the Chairman of the forty-fifth session of the Sub-Commission read out the following statement on behalf of the Sub-Commission:

> "The Sub-Commission on Prevention of Discrimination and Protection of Minorities,
>
> Recalling the repeated reaffirmations by the Security Council that any taking of territory by force or any practice of ethnic cleansing is unlawful and unacceptable and will not be permitted to affect the outcome of the negotiations on constitutional arrangements for the Republic of Bosnia and Herzegovina, and its insistence that all displaced persons be enabled to return in peace to their homes,
>
> Deeply disturbed by the fact that the draft constitutional agreement for what is therein referred to as the Union of Republics of Bosnia and Herzegovina constitutes a de facto partition of the Republic of Bosnia and Herzegovina on ethnic and religious grounds,
>
> Appeals to the international community to:
>
> (a) Reject any partition which results from aggression, intervention and massive violation of human rights, in particular the abhorrent practice of ethnic cleansing that has developed into religious cleansing;
>
> (b) Deny the validity of any agreement sought to be obtained under extreme duress from the Government of the Republic of Bosnia and Herzegovina for purposes other than a cessation of hostilities paving the way for the subsequent achievement of a peaceful settlement based on the principles of the Charter of the United Nations, including respect for human rights and fundamental freedoms."

30. At the 28th meeting, on 23 August 1993, Mrs. Attah and Mr. Saboia made statements with regard to the incident that had taken place in Brazil, involving the alleged killing of over 80 Yanomanis.

31. At the 34th meeting, on 26 August 1993, the Chairman read out a letter addressed to him by the Permanent Representative of Peru to the United Nations Office at Geneva, with regard to the alleged killing of 61 indigenous men, women and children of the Ashaninka population.

32. The letter was issued as an official document (E/CN.4/Sub.2/1993/43).

33. At the same meeting, the Chairman proposed to the members of the Sub-Commission to make a proposal for possible action with regard to the above-mentioned alleged killing.

34. No action was taken by the Sub-Commission.

35. At the 35th meeting, on 26 August 1993, a joint statement was made by non-governmental organizations with regard to the status of, and improvement in, the work and effectiveness of the Sub-Commission.

IV. REVIEW OF THE WORK OF THE SUB-COMMISSION

36. The Sub-Commission considered agenda item 3 at its 2nd, 4th, 12th and 26th meetings, on 3, 4, 11 and 20 August 1993.

37. At the 12th meeting, on 11 August 1993, the Chairman of the forty-ninth session of the Commission on Human Rights, H.E. Mr. M. Ennaceur, addressed the Sub-Commission.

38. In the general debate on the item, statements 1/ were made by the following members of the Sub-Commission: Mr. Alfonso Martínez (2nd and 4th), Mrs. Attah (2nd), Mr. Chernichenko (2nd), Mrs. Daes (2nd), Mr. Eide (2nd), Mr. Guissé (2nd), Mr. Khalifa (2nd and 3rd) and Mrs. Warzazi (2nd).

39. At the 26th meeting, on 20 August 1993, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1993/L.5, sponsored by Mr. Eide, Mr. Maxim and Mr. Yimer.

40. Mrs. Ksentini proposed amending the draft resolution by adding the following text to operative paragraph 4:

> "as well as on the means to ensure the follow-up of recommendations and conclusions of studies undertaken under the auspices of the Sub-Commission;"

41. Mr. Bossuyt proposed the following amendments:

(a) Delete the first three operative paragraphs, which read as follows:

> "1. Decides to initiate a programme of familiarization of the work of the Sub-Commission for new members and alternates;
>
> "2. Requests the Secretary-General, as a first step, to prepare a basic information kit about the Sub-Commission, the Commission and the other human rights bodies of the United Nations, with particular emphasis on the substantive issues examined and the procedures used by the Sub-Commission in its work. This information kit should be presented to the newly elected members of the Sub-Commission and their alternates upon their election by the Commission in 1994;
>
> "3. Recommends that, in addition to completed Sub-Commission studies being published when so decided by the relevant bodies, a brief summary of each completed study be prepared and given the widest possible distribution in various languages;"

1/ The number in parentheses following the names of States or organizations indicates the meeting at which the statement was made.

(b) Renumber operative paragraph 4, as amended, as operative paragraph 1.

42. The proposed amendments were accepted by the sponsors.

43. Statements relating to the draft resolution and the amendments thereto were made by Mr. Alfonso Martínez, Mr. Bossuyt, Mr. Eide, Mr. Heller, Mr. Joinet, Mrs. Ksentini and Mrs. Warzazi.

44. The draft resolution, as amended, was adopted without a vote.

45. For the text of the resolution, see chapter II, section A, resolution 1993/4.

V. REVIEW OF FURTHER DEVELOPMENTS IN FIELDS WITH WHICH THE SUB-COMMISSION HAS BEEN CONCERNED

46. The Sub-Commission considered item 4 at its 2nd, 6th, 7th, 20th, 22nd to 27th, 33rd and 34th meetings on 3, 5, 6, 17 to 25 and 26 August 1993.

47. The Sub-Commission had before it the following documents in connection with its consideration of the item:

Note by the Secretary-General (E/CN.4/Sub.2/1993/2);

Memorandum submitted by the International Labour Office (E/CN.4/Sub.2/1993/3);

Report submitted by the United Nations Educational, Scientific and Cultural Organization: UNESCO activities concerning promoting and protecting the rights of persons belonging to national or ethnic, religious and linguistic minorities (E/CN.4/Sub.2/1993/4);

Progress report on the question of the impunity of perpetrators of violations of human rights prepared by Mr. Guissé and Mr. Joinet, pursuant to Sub-Commission resolution 1992/23 (E/CN.4/Sub.2/1993/6);

Human rights and the environment: second progress report prepared by Mrs. Fatma Zohra Ksentini, Special Rapporteur (E/CN.4/Sub.2/1993/7);

Study concerning the right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms: final report submitted by Mr. Theo van Boven, Special Rapporteur (E/CN.4/Sub.2/1993/8);

Discrimination against HIV-infected people or people with AIDS: conclusions and recommendations: final report submitted by Mr. Luis Varela Quirós, Special Rapporteur (E/CN.4/Sub.2/1993/9);

Definition of gross and large-scale violations of human rights as an international crime: working paper submitted by Mr. Stanislav Chernichenko in accordance with Sub-Commission decision 1992/109 (E/CN.4/Sub.2/1993/10 and Corr.1);

Preparatory document submitted by Mrs. Claire Palley on the question of the role of the United Nations in international humanitarian activities and assistance and human rights enforcement, bearing in mind the principle of non-interference (E/CN.4/Sub.2/1993/39);

Written statement submitted by the International Fellowship of Reconciliation, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1993/NGO/1);

Written statement submitted by the International Federation Terre des Hommes, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1993/NGO/24);

Written statement submitted by the International Fellowship of Reconciliation, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1993/NGO/26).

48. At the 21st meeting, on 17 August 1993, Mr. Theo van Boven, Special Rapporteur, introduced his final report (E/CN.4/Sub.2/1993/8). Mr. S. Chernichenko, in his function as commentator in accordance with guideline No. 5 adopted by the Sub-Commission at its forty-fourth session (resolution 1992/8, annex), made his observations.

49. At the same meeting, Mr. Joinet introduced the progress report prepared by Mr. Guissé and himself (E/CN.4/Sub.2/1993/6).

50. At the 22nd meeting, on 18 August 1993, Mr. Chernichenko introduced his working paper (E/CN.4/Sub.2/1993/10).

51. At the same meeting, Mrs. Ksentini, Special Rapporteur, introduced her second progress report (E/CN.4/Sub.2/1993/7).

52. At the 23rd meeting, on 18 August 1993, Mr. Varela Quirós, Special Rapporteur, presented his final report (E/CN.4/Sub.2/1993/9).

53. At the same meeting, Mrs. Warzazi, Special Rapporteur, made a statement concerning the elimination of harmful traditional practices affecting the health of women and children.

54. At the 27th meeting, on 20 August 1993, a representative of the secretariat made a statement with respect to questions raised by Mrs. Warzazi.

55. In the general debate on the item, statements 1/ were made by the following members of the Sub-Commission: Mr. Alfonso Martínez (6th), Mrs. Attah (21st), Mr. Boutkevitch (23rd), Mr. Chernichenko (21st, 24th), Mr. Despouy (24th), Mr. Eide (22nd), Mr. Guissé (21st, 22nd, 23rd, 25th), Mr. Heller (23rd), Mr. Joinet (21st, 23rd), Mr. Khalifa (2nd), Mr. Khalil (24th), Mrs. Ksentini (21st, 24th), Mr. Merrills (23rd), Mrs. Palley (20th), Mr. Sachar (22nd), Mr. Tian Jin (25th), Mrs. Warzazi (2nd, 6th, 21st, 23rd, 24th), Mr. Yimer (2nd).

56. The representative of the World Health Organization made a statement (23rd).

57. A statement was also made by the observer for the Democratic People's Republic of Korea (25th).

58. The Sub-Commission also heard statements by representatives of the following non-governmental organizations: African Association of Education for Development (27th), American Association of Jurists (23rd), Andean Commission of Jurists (25th), Centre Europe Tiers Monde (25th), Disabled Peoples' International (25th), Habitat International Coalition (23rd), Human Rights Advocates, Inc. (27th), International Association against Torture (25th), International Association of Democratic Lawyers (25th),

International Association of Educators for World Peace (22nd), International Commission of Jurists (20th), International Educational Development (27th), International Fellowship of Reconciliation (20th), International Lesbian and Gay Association (6th), International League for the Rights and Liberation of Peoples (25th), Latin American Federation of Associations of Relatives of Disappeared Detainees (27th), Liberation (20th), National Aboriginal and Islander Legal Service Secretariat (25th), Service Peace and Justice in Latin America (27th), Sierra Club Legal Defense Fund, Inc. (25th), Third World Movement against the Exploitation of Women (25th), War Amputations of Canada (25th), World University Service (25th,.

59. Statements equivalent to a right of reply were made by the observers for the Islamic Republic of Iran (21st), Japan (21st), Turkey (23rd) and Uruguay (25th).

60. At the 22nd meeting, on 18 August 1993, Mr. van Boven, Special Rapporteur, made his concluding remarks.

Study concerning the right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms

61. At the 33rd meeting, on 25 August, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1993/L.32, sponsored by Mrs. Attah, Mr. Bossuyt, Mr. Boutkevitch, Mrs. Chavez, Mrs. Daes, Mr. Despouy, Mr. Eide, Mr. Guissé, Mr. Hakim, Mr. Khalil, Mrs. Palley, Mr. Ramadhane, Mr. Sachar, Mrs. Warzazi, Mr. Yimer and Mr. Yokota. Mrs. Ksentini subsequently joined the sponsors.

62. Mr. Bossuyt, on behalf of the sponsors, revised the French text of the draft resolution by replacing in operative paragraph 2 the word "sérieuse" by the word "approfondie".

63. Mrs. Ksentini proposed inserting, in operative paragraph 2, after the word "thoroughly" the words "in all its aspects".

64. Mr. Alfonso Martínez proposed inserting, in operative paragraph 5, between the words "establish" and "a sessional working group" the words "if necessary".

65. The amendment was accepted by the sponsors.

66. A statement relating to the draft resolution and the revision and amendments was made by Mr. Guissé.

67. The draft resolution, as revised and amended, was adopted without a vote.

68. For the text as adopted, see chapter II, section A, resolution 1993/29.

Definition of gross and large-scale violations of human rights as an international crime

69. At the same meeting, the Sub-Commission considered draft decision E/CN.4/Sub.2/1993/L.38, sponsored by Mrs. Attah, Mr. Boutkevitch, Mrs. Chavez, Mrs. Daes, Mr. Eide, Mr. Yokota, Mr. Heller, Mr. Khalil and Mr. Ramadhane.

70. Mrs. Ksentini proposed the following amendments to operative paragraphs 2 and 6:

(a) Insert after the words "gross and", the word "or";

(b) Delete the words "perpetrated on the orders of Governments or sanctioned by them".

71. Statements relating to the draft resolution and the proposed amendments were made by Mr. Alfonso Martínez, Mr. Chernichenko, Mr. Despouy, Mr. Joinet, Mrs. Ksentini and Mrs. Warzazi.

72. Mrs. Ksentini withdrew the proposed amendments.

73. Mrs. Warzazi proposed replacing, in operative paragraph 2, the word "appoint" by the words "recommend to the Commission on Human Rights the appointment of".

74. The Chairman proposed amending the title of the draft resolution by replacing the word "definition" by the word "recognition".

75. These amendments were accepted by the sponsors.

76. The draft resolution, as amended, was adopted without a vote.

77. A statement on the estimate of the programme budget implications of implementing the draft resolution was made by a representative of the Secretary-General, in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council.

78. In reply to questions raised by Mr. Alfonso Martínez, the representative of the Secretary-General gave a further clarification.

79. For the text as adopted, see chapter II, section A, resolution 1993/30.

Final report on the study on problems and causes of discrimination against HIV-infected people or people with AIDS

80. At the same meeting, the Sub-Commission considered draft decision E/CN.4/Sub.2/1993/L.40, sponsored by Mrs. Attah, Mr. Despouy, Mr. Eide, Mr. Guissé, Mr. Hakim, Mr. Heller, Mr. Joinet, Mr. Khalil, Mrs. Ksentini, Mrs. Palley, Mr. Ramadhane, Mr. Saboia, Mr. Sachar, Mrs. Warzazi, Mr. Yimer and Mr. Yokota. Mr. Maxim subsequently joined the sponsors.

81. Mr. Guissé proposed amending the draft resolution by inserting, in operative paragraph 7, after the words "and child prostitution" the words "in that it constitutes a serious risk of AIDS transmission".

82. Mr. Alfonso Martínez proposed deleting operative paragraph 2 and renumbering the subsequent paragraphs accordingly. Operative paragraph 2 read:

> "2. Calls upon all States to review their laws, policies and practices in the context of HIV and AIDS and to ensure that they respect human rights standards, including the general prohibition of discrimination on the ground of any status, bearing in mind the total absence of any objective or reasonable criteria, or any public health consideration, which could justify any other approach;".

83. Both amendments were accepted by the sponsors.

84. The draft resolution was adopted without a vote.

85. For the text as adopted, see chapter II, section A, resolution 1993/31.

Human rights and the environment

86. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1993/L.41, sponsored by Mr. Alfonso Martínez, Mrs. Attah, Mr. Boutkevitch, Mr. Chernichenko, Mrs. Daes, Mr. Despouy, Mr. Eide, Mrs. Forero Ucros, Mr. Hakim, Mr. Hatano, Mr. Heller, Mr. Joinet, Mr. Khalil, Mrs. Palley, Mr. Ramadhane, Mr. Saboia, Mr. Sachar, Mr. Tian Jin, Mrs. Warzazi and Mr. Yimer. Mr. Alfonso Martínez and Mr. Maxim subsequently joined the sponsors.

87. Mrs. Warzazi made the following revision:

> Add, in operative paragraph 6, after the word "bodies", the words "created pursuant to international human rights instruments".

88. Mr. Bossuyt proposed the following amendment:

> Delete, at the end of operative paragraph 6, the words "and to invite the Special Rapporteur to participate in the meetings".

89. Mrs. Ksentini proposed the following amendment:

> Replace, in operative paragraph 6 and in the corresponding text in operative paragraph 10, the words "Chairmen of human rights bodies" by the words "persons chairing human rights treaty-monitoring bodies to include the question of the right to environment on the agenda of their next meeting, and if they so wish,".

90. The amendment proposed by Mrs. Ksentini was accepted by the sponsors.

91. Statements relating to the draft resolution and the amendment thereto were made by Mr. Alfonso Martínez, Mr. Despouy, Mr. Heller, Mrs. Ksentini and Mrs. Palley.

92. The draft resolution was adopted without a vote.

93. For the text as adopted, see chapter II, section A, resolution 1993/32.

Traditional practices affecting the health of women and children

94. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1993/L.50, sponsored by Mrs. Attah, Mr. Bossuyt, Mrs. Daes, Mr. Despouy, Mr. Eide, Mrs. Forero Ucros, Mr. Hakim, Mr. Khalil and Mr. Yimer.

95. Mrs. Warzazi proposed the following amendment:

Insert, in the third preambular paragraph, after the words "nutritional taboos", the words "and other harmful practices".

96. The amendment was accepted by the sponsors.

97. Statements relating to the draft resolution and the proposed amendment were made by Mr. Despouy, Mr. Heller, Mr. Joinet and Mrs. Palley.

98. The draft resolution, as amended, was adopted without a vote.

99. For the text as adopted, see chapter II, section A, resolution 1993/33.

Question of the impunity of perpetrators of violations of human rights

100. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1993/L.51, sponsored by Mr. Despouy, Mr. Eide, Mr. Khalil and Mr. Yokota.

101. Mr. Joinet proposed the following amendments:

(a) Replace, in the second preambular paragraph and operative paragraph 3, the words "economic and social rights" by the words "economic, social and cultural rights";

(b) Add, at the end of operative paragraph 1, the words: "and shares the opinion of the Special Rapporteurs that they should undertake a study in two stages";

(c) Replace, in operative paragraph 2, the words "a report on the first aspects of the question of impunity" by the words "a report, including conclusions and recommendations, on the first aspect of the question of impunity, with respect to civil and political rights";

(d) Replace in operative paragraph 3, the words "a working paper in preparation for the study of" by the words "their study on".

102. The amendments were accepted by the sponsors.

103. Statements relating to the amendments were made by Mr. Alfonso Martínez and Mrs. Ksentini.

104. The Sub-Commission decided to postpone consideration of draft resolution E/CN.4/Sub.2/1993/L.51.

105. At its 34th meeting, on 26 August 1993, the Sub-Commission resumed consideration of draft resolution E/CN.4/Sub.2/1993/L.51.

106. Statements relating to the draft resolution were made by Mr. Alfonso Martínez and Mr. Joinet.

107. The draft resolution, as amended, was adopted without a vote.

108. For the text as adopted, see chapter II, section A, resolution 1993/37.

VI. ELIMINATION OF RACIAL DISCRIMINATION

A. Measures to combat racism and racial discrimination and the role of the Sub-Commission

109. The Sub-Commission considered sub-item (a) of agenda item 5 at its 2nd, 3rd, 4th, 5th, 6th, 17th and 18th meetings on 3, 4, 5, 13 and 16 August 1993.

110. The Sub-Commission had before it a letter dated 4 August 1993 from the Chairman of the forty-fifth session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities addressed to the President of Bosnia and Herzegovina, the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia and the Secretary-General of the United Nations (E/CN.4/Sub.2/1993/38).

111. In the general debate on the sub-item, statements 1/ were made by the following members of the Sub-Commission: Mr. Alfonso Martínez (5th, 6th), Mrs. Attah (2nd, 5th), Mr. Bossuyt (3rd, 5th), Mr. Boutkevitch (3rd), Mrs. Chavez (3rd), Mr. Chernichenko (2nd, 4th, 5th, 6th), Mrs. Daes (4th), Mr. Eide (2nd, 3rd, 4th, 5th), Mrs. Forero Ucros (2nd), Mr. Guissé (3rd, 5th, 6th), Mr. Hakim (2nd), Mr. Hatano (5th), Mr. Heller (2nd, 5th), Mr. Joinet (3rd, 4th), Mr. Khalifa (4th), Mr. Maxim (3rd, 5th), Mrs. Palley (2nd, 3rd), Mr. Sachar (2nd, 5th), Mr. Tian Jin (3rd, 5th), Mrs. Warzazi (2nd, 3rd, 4th, 5th) and Mr. Yimer (2nd).

112. Statements were made by the observers for Albania (5th), China (6th), Nigeria (5th), the Syrian Arab Republic (6th) and Turkey (6th).

113. The Sub-Commission also heard statements by representatives of the following non-governmental organizations: Centre Europe-Tiers Monde (6th), International Association against Torture (6th), International Council of Jewish Women (5th), International Federation of Human Rights (6th), International Fellowship of Reconciliation (5th), Minority Rights Group (6th), Movement against Racism and for Friendship among Peoples (6th).

114. Statements equivalent to the right of reply were made by the observers for Estonia (6th) and Latvia (6th).

115. At the 17th meeting, on 13 August 1993, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1993/L.3, sponsored by Mr. Alfonso Martínez, Mr. Eide, Mr. Heller, Mr. Khalil, Mrs. Ksentini, Mr. Hakim, Mr. Tian Jin, Mrs. Warzazi and Mr. Yimer. Mrs. Attah subsequently joined the sponsors.

116. Statements with regard to the draft resolution were made by Mr. Alfonso Martínez, Mrs. Attah, Mr. Bossuyt, Mrs. Chavez, Mrs. Daes, Mr. Eide, Mr. Guissé, Mr. Hakim, Mr. Heller, Mr. Joinet, Mrs. Ksentini, Mr. Sachar and Mrs. Warzazi.

117. Mr. Bossuyt proposed amending the draft resolution by replacing operative paragraph 2, which read: "Recommends that the Special Rapporteur begin his mandate by examining the situation in the regions of the world where theories and attitudes of racial superiority originated and were most widespread, that is to say in Europe and in other regions predominantly settled by persons of European origin" by the following paragraph:

> "Recommends that the Special Rapporteur examine the situation in all regions of the world, paying particular attention to the regions where theories and attitudes of racial superiority are most widespread."

118. Mr. Sachar proposed replacing the same paragraph by the following:

> "Recommends that the Special Rapporteur study this aspect in full and begin his mandate by examining the situation in Europe."

119. Mr. Hakim proposed amending the same paragraph by replacing the words "originated and were" with the words "are at present".

120. Mr. Heller proposed the following amendment to operative paragraph 2: to replace the remainder of the sentence, after "Recommends that the Special Rapporteur begin his mandate", by "paying particular attention to the incidents which are increasing in the developed countries, as well as to the theories and attitudes which give rise to them".

121. Mrs. Warzazi proposed replacing in operative paragraph 2 the word "begin" with the words "carry out".

122. The Sub-Commission decided to postpone its consideration of draft resolution E/CN.4/Sub.2/1993/L.3.

123. At the 19th meeting, on 16 August 1993, the Chairman proposed amending the draft resolution by replacing operative paragraph 2 with a new paragraph.

124. The draft resolution, thus amended, was adopted without a vote.

125. For the text of the resolution as adopted, see chapter II, section A, resolution 1993/3.

B. Monitoring the transition to democracy in South Africa

126. The Sub-Commission considered sub-item (b) of agenda item 5 at its 4th, 5th, 6th and 16th meetings, on 4, 5, 6 and 13 August 1993.

127. In connection with its consideration of the sub-item, the Sub-Commission had before it the preliminary report on monitoring the transition to democracy in South Africa, submitted by Mrs. Judith Sefi Attah, Special Rapporteur, pursuant to Sub-Commission resolution 1992/6 (E/CN.4/Sub.2/1993/11).

128. At the 4th meeting, on 4 August 1993, the Special Rapporteur introduced her report.

129. In the general debate on the sub-item, statements 1/ were made by the following members of the Sub-Commission: Mr. Alfonso Martínez (6th), Mr. Bossuyt (6th), Mrs. Daes (4th), Mrs. Forero Ucros (5th), Mr. Guissé (4th), Mr. Joinet (4th), Mr. Khalifa (4th, 6th), Mrs. Palley (4th), Mr. Tian Jin (5th), Mrs. Chavez (4th), Mrs. Warzazi (4th) and Mr. Yimer (4th, 6th).

130. Statements were made by the observers for China (6th), the Democratic People's Republic of Korea (5th), Egypt (6th), Mauritius (5th), Nigeria (5th), the Syrian Arab Republic (6th) and the United Republic of Tanzania (6th).

131. A statement was made by the observer for the Pan-Africanist Congress of Azania (5th).

132. At the 6th meeting, on 6 August 1993, the Special Rapporteur made her concluding remarks.

133. At the 17th meeting, on 13 August 1993, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1993/L.2, sponsored by Mr. Alfonso Martínez, Mr. Boutkevitch, Mrs. Chavez, Mr. Chernichenko, Mrs. Daes, Mr. Eide, Mrs. Forero Ucros, Mr. Genot, Mr. Guissé, Mr. Hakim, Mr. Hatano, Mr. Heller, Mr. Khalifa, Mrs. Mbonu, Mrs. Palley, Mr. Sachar, Mr. Tian Jin, Mrs. Warzazi and Mr. Yimer. Mrs. Attah and Mr. Saboia subsequently joined the sponsors.

134. The draft resolution was adopted without a vote.

135. For the text of the resolution as adopted, see chapter II, section A, resolution 1993/1.

VII. QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION AND OF APARTHEID, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII)

136. The Sub-Commission considered item 6 at its 10th to 17th, 26th, 27th and 29th meetings, on 10 to 13, 20 and 23 August 1993.

137. The Sub-Commission had before it the following documents in connection with its consideration of the item:

Note by the Secretary-General (E/CN.4/Sub.2/1993/12);

Note by the Secretary-General (E/CN.4/Sub.2/1993/13);

Situation in East Timor: note by the secretariat (E/CN.4/Sub.2/1993/14);

Letter dated 26 July 1993 addressed to the Centre for Human Rights by the Permanent Representative of Peru to the United Nations Office at Geneva (E/CN.4/Sub.2/1993/37);

Written statement submitted by Pax Christi International, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1993/NGO/3);

Written statement submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1993/NGO/5);

Written statement submitted by the International Federation of Human Rights, a non-governmental organization (category II) (E/CN.4/Sub.2/1993/NGO/10);

Joint written communication submitted by World Confederation of Labour and the World Federation of Trade Unions, non-governmental organizations in category I, American Association of Jurists, International Association of Penal Law, International Association of Democratic Lawyers, International Association for the Defence of Religious Liberty, Women's International League for Peace and Freedom, Pax Christi International and Pax Romana, non-governmental organizations in category II, and Centre Europe-Tiers Monde, International Educational Development, International Falcon Movement - Socialist Educational International, International Movement against all Forms of Discrimination and Racism, Movement against Racism and for Friendship among Peoples, World Organization against Torture, non-governmental organizations on the Roster (E/CN.4/Sub.2/1993/NGO/16);

Written statement submitted by the International Human Rights Law Group, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1993/NGO/18);

Written statement submitted by International Educational Development Inc., a non-governmental organization on the Roster (E/CN.4/Sub.2/1993/NGO/19);

Written statement submitted by International Educational Development Inc., a non-governmental organization on the Roster (E/CN.4/Sub.2/1993/NGO/22).

138. In the general debate on the item, statements 1/ were made by the following members of the Sub-Commission: Mr. Alfonso Martínez (14th), Mrs. Attah (12th), Mr. Boutkevitch (14th), Mrs. Chavez (14th, 15th), Mr. Chernichenko (14th, 17th), Mr. Eide (15th), Mrs. Forero Ucros (15th), Mr. Guissé (13th, 14th, 15th), Mr. Hakim (16th), Mr. Joinet (15th, 16th), Mr. Khalifa (12th, 14th, 15th), Mrs. Ksentini (15th, 16th), Mrs. Palley (14th), Mr. Ramadhane (15th), Mr. Sachar (14th, 16th), Mr. Tian Jin (16th), Mrs. Warzazi (15th).

139. Statements were made by the observers for: Bangladesh (15th), China (16th), Colombia (15th), Cyprus (15th), India (16th), Indonesia (15th), Latvia (15th), Peru (15th), Portugal (15th), Russian Federation (15th), Sri Lanka (13th), Syrian Arab Republic (16th), Turkey (13th) and Viet Nam (13th).

140. Statements were also made by the observers for Palestine (14th), the Pan-Africanist Congress of Azania (10th) and the African National Congress (12th).

141. The Sub-Commission also heard statements by representatives of the following non-governmental organizations: African Association of Education for Development (13th), American Association of Jurists (12th), Amnesty International (11th), Andean Commission of Jurists (13th), Anti-Slavery Movement for the Protection of Human Rights (12th), Arab Organization for Human Rights (11th), Baha'i International Community (11th), Centre Europe-Tiers Monde (15th), France-Libertés: Fondation Danielle Mitterand (15th), Human Rights Advocates, Inc. (11th), Indigenous World Association (15th), International Association against Torture (15th), International Association for the Defence of Religious Liberty (11th), International Association of Democratic Lawyers (12th), International Association of Educators for World Peace (12th), International Commission of Jurists (11th), International Educational Development (15th), International Falcon Movement - Socialist Educational International (12th), International Federation for the Protection of the Rights of Ethnic, Religious, Linguistic and other Minorities (15th), International Federation of Human Rights (11th), International Federation Terre des Hommes (15th), International Fellowship of Reconciliation (11th), International Indian Treaty Council (13th), International League for the Rights and Liberation of Peoples (15th), International Lesbian and Gay Association (11th), International Progress Organization (14th), International Work Group for Indigenous Affairs (12th), Latin American Federation of Associations of Relatives of Disappeared Detainees (15th), Liberation (13th), Minority Rights Group (12th), Movement against Racism and for Friendship among Peoples (15th), National Aboriginal and Islander Legal Service Secretariat (13th), Pax Christi International (13th), Survival International

Limited (12th), World Federation of Trade Unions (15th), World Muslim Congress (13th), World Organization against Torture (12th), World Society of Victimology (13th), World University Service (15th).

142. Statements equivalent to a right of reply were made by the observers for: Bangladesh (13th), Cyprus (17th), Iraq (14th, 17th), Morocco (16th), Myanmar (16th), Nigeria (14th), Sudan (12th, 16th), Turkey (17th).

Draft decision concerning the communications procedure

143. At the 15th meeting, on 12 August 1993, Mr. Joinet orally proposed a draft decision concerning the communications procedure as established by Economic and Social Council resolution 1503 (XLVIII).

144. The draft decision as orally proposed was adopted without a vote.

145. For the text of the draft decision, see chapter II, section B, decision 1993/104.

Solidarity with Algerian intellectuals

146. At the 16th meeting, on 13 August 1993, Mr. Heller introduced a draft message of solidarity with Algerian intellectuals, which read as follows:

> "The Sub-Commission on Prevention of Discrimination and Protection of Minorities,
>
> "Deeply concerned at acts of assassination directed against intellectuals as such and motivated by fanatical obscurantism,
>
> "Deeply shocked by the persecution and assassination by extremist groups of Algerian writers, journalists, academics, doctors and trade unionists,
>
> "Expresses its solidarity with the victims and their relatives,;
> "Strongly condemns such acts;
>
> "Supports the action of Algerian civil associations which, in response to those acts, courageously seek to preserve and defend the ideals of tolerance and mutual understanding inherent in a pluralistic society."

147. The text was approved by the Sub-Commission.

Voting by secret ballot on proposals under agenda item 6

148. At the 26th meeting, on 20 August 1993, Mr. Eide made a proposal concerning a decision to be taken by the Sub-Commission on voting by secret ballot on proposals pertaining to allegations of violations of human rights in countries.

149. Mr. Alfonso Martínez and Mrs. Attah made statements relating to this proposal.

150. The decision, as orally proposed by Mr. Eide, was adopted without a vote.

151. For the text of the decision, see chapter II, section B, decision 1993/106.

Punishment of the crime of genocide

152. At the 26th meeting, on 20 August 1993, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1993/L.6, sponsored by Mr. Bossuyt, Mr. Eide, Mr. Hatano, Mrs. Palley, Mr. Ramadhane, Mr. Sachar and Mrs. Warzazi. Mrs. Attah and Mr. Khalil subsequently joined the sponsors.

153. The draft resolution was adopted without a vote.

154. Explanations of vote after the vote were made by Mr. Alfonso Martínez, Mr. Despouy and Mr. Joinet.

155. For the text of the resolution, see chapter II, section A, resolution 1993/8.

Situation in Kosovo

156. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1993/L.15, sponsored by Mr. Bossuyt, Mr. Boutkevitch, Mrs. Chavez, Mr. Despouy, Mr. Eide, Mr. Guissé, Mr. Hatano, Mr. Joinet, Mr. Khalil, Mrs. Ksentini, Mrs. Palley, Mr. Ramadhane, Mrs. Warzazi and Mr. Yimer.

157. At the request of Mrs. Daes, a vote was taken on the draft resolution.

158. The resolution was adopted by secret ballot by 17 votes to 4, with 3 abstentions.

159. For the text of the resolution, see chapter II, section A, resolution 1993/9.

Situation of human rights in Chad

160. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1993/L.16, sponsored by Mr. Bossuyt, Mr. Boutkevitch, Mr. Chernichenko, Mr. Despouy, Mr. Eide, Mr. Guissé, Mr. Hatano, Mr. Joinet and Mrs. Palley.

161. Mrs. Ksentini proposed amending operative paragraph 3 by replacing the words "to do its utmost" by the words "to contribute by the appropriate means".

162. Mrs. Warzazi proposed amending further the same paragraph by adding the words "and by taking positive measures" after the words "the appropriate means".

163. The proposed amendments were accepted by the sponsors.

164. The resolution, as amended, was adopted without a vote.

165. For the text of the resolution, see chapter II, section A, resolution 1993/10.

Situation in the Palestinian and other Arab territories occupied by Israel

166. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1993/L.17, sponsored by Mr. Alfonso Martínez, Mr. Khalil, Mrs. Ksentini and Mr. Ramadhane.

167. Mr. Sachar proposed the following amendments to the draft resolution:

(a) A new preambular paragraph should be inserted after the last preambular paragraph, reading as follows:

"Taking into account the ongoing process of negotiation between the parties concerned since the Madrid International Peace Conference,"

(b) A new operative paragraph should be added as operative paragraph 9, reading as follows:

"Urges all parties concerned to spare no effort in negotiating in good faith in order to reach speedily a just and lasting peace settlement on the basis of Security Council resolutions 242 and 338 and all other relevant United Nations resolutions."

168. Statements relating to the draft resolution and the proposed amendments were made by Mr. Alfonso Martínez, Mrs. Chavez, Mr. Khalil, Mrs. Ksentini and Mrs. Warzazi.

169. The Sub-Commission decided to postpone consideration of the draft resolution.

170. At its 27th meeting, on 20 August 1993, the Sub-Commission resumed its consideration of draft resolution E/CN.4/Sub.2/1993/L.17.

171. The Chairman read out the text of an amendment to which the sponsors had agreed, consisting of a new preambular paragraph to be inserted after the last preambular paragraph.

172. At the request of Mrs. Chavez, a vote was taken on the draft resolution.

173. The resolution, as amended, was adopted by secret ballot by 17 votes to 2, with 5 abstentions.

174. For the text of the resolution, see chapter II, section A, resolution 1993/15.

Situation in South Africa

175. At the 26th meeting, on 20 August 1993, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1993/L.18, sponsored by Mrs. Attah, Mr. Boutkevitch, Mr. Guissé, Mr. Hakim, Mr. Hatano, Mr. Heller, Mr. Khalil, Mrs. Ksentini, Mr. Ramadhane, Mr. Sachar, Mr. Tian Jin, Mrs. Warzazi and Mr. Yimer. Mr. Joinet subsequently joined the sponsors.

176. The resolution was adopted without a vote.

177. For the text of the resolution, see chapter II, section A, resolution 1993/11.

Situation of human rights in Iraq

178. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1993/L.19, sponsored by Mr. Bossuyt, Mr. Boutkevitch, Mr. Chernichenko, Mr. Eide, Mr. Joinet and Mrs. Palley.

179. Statements relating to the resolution were made by Mr. Alfonso Martínez, Mrs. Attah, Mr. Heller, Mr. Joinet and Mrs. Warzazi.

180. The observer for Iraq made a statement.

181. The Sub-Commission decided to postpone consideration of the draft resolution.

182. At the 27th meeting, on 20 August 1993, the Sub-Commission resumed its consideration of draft resolution E/CN.4/Sub.2/1993/L.19.

183. Mr. Bossuyt, on behalf of the sponsors, orally revised the draft resolution as follows:

(a) Insert, after the third last preambular paragraph a new preambular paragraph;

(b) Insert a new paragraph after operative paragraph 6;

(c) Replace, in operative paragraph 10, the word "atrocities" by the words "violations of human rights".

184. At the request of Mr. Ramadhane, a vote was taken on the draft resolution, as orally revised.

185. The draft resolution, as orally revised, was adopted by secret ballot by 14 votes to 9, with 2 abstentions.

186. For the text of the resolution, see chapter II, section A, resolution 1993/20.

Situation in East Timor

187. Also at the 26th meeting, on 20 August 1993, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1993/L.20, sponsored by Mr. Bossuyt, Mr. Boutkevitch, Mrs. Chavez, Mr. Eide and Mrs. Palley.

188. On behalf of the sponsors, Mr. Eide orally made the following revision:

(a) In the sixth preambular paragraph the words "that were" were inserted between the word "restrictions" and the words "imposed upon"; the words "and taking note of the recent announcement by the Indonesian authorities of the resumption of the activities of the said humanitarian organizations" were added at the end of the paragraph.

(b) Operative paragraph 2 should read as follows:

"Strongly deplores the restrictions that were imposed on the activities of the International Committee of the Red Cross and urges the Indonesian authorities to honour fully their commitments, recently announced, to facilitate the implementation of the mandate of the International Committee of the Red Cross;"

189. Statements relating to the draft resolution as revised, were made by the following Sub-Commission members: Mr. Alfonso Martínez, Mrs. Attah and Mrs. Warzazi.

190. Mr. Eide further revised his revisions as follows:

(a) By replacing in the sixth preambular paragraph, the words "Gravely concerned at" by the words "Noting with satisfaction the recent lifting of", and;

(b) By replacing in operative paragraph 2, the words "Strongly deplores" by the words "Notes with satisfaction the recent lifting of".

191. The observer for Indonesia made a statement.

192. The draft resolution, as orally revised, was adopted by secret ballot by 13 votes to 10, with 2 abstentions.

193. For the text of the resolution, see chapter II, section A, resolution 1993/12.

Consequences for the enjoyment of human rights of acts of violence committed by armed groups that spread terror among the population

194. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1993/L.22, sponsored by Mr. Hakim, Mr. Heller, Mr. Khalil, Mrs. Ksentini, Mrs. Palley and Mr. Ramadhane. Mrs. Attah, Mr. Guissé, Mr. Maxim and Mrs. Warzazi subsequently joined the sponsors.

195. Mr. Sachar proposed amending operative paragraph 1 by inserting between the word "democracy" and the words "and security", the words "territorial integrity".

196. The proposed amendment was accepted by the sponsors.

197. The resolution, as orally amended, was adopted without a vote.

198. An explanation of vote after the vote was made by Mr. Alfonso Martínez.

199. For the text of the resolution, see chapter II, section A, resolution 1993/13.

The situation in Myanmar

200. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1993/L.23, sponsored by Mr. Bossuyt, Mr. Boutkevitch, Mrs. Chavez, Mr. Eide and Mrs. Palley.

201. On behalf of the sponsors, Mrs. Chavez orally made the following revisions to the draft resolution:

(a) After the last preambular paragraph insert a new preambular paragraph;

(b) Insert a new operative paragraph as operative paragraph 5;

(c) Delete in the sixth preambular paragraph the words "Muslims, Christians and";

(d) Delete in the last preambular paragraph, as well as in operative paragraph 3, the words "United Nations High Commissioner for Refugees";

(e) Delete, in operative paragraph 1, the words "termination of the state of emergency".

202. Statements relating to the draft resolution and the revisions thereto were made by the following members of the Sub-Commission: Mr. Alfonso Martínez, Mrs. Attah, Mrs. Chavez, Mr. Sachar, Mr. Tian Jin and Mrs. Warzazi.

203. The Sub-Commission decided to postpone consideration of draft resolution E/CN.4/Sub.2/1993/L.23.

204. At its 27th meeting, on 20 August 1993, the Sub-Commission resumed consideration of draft resolution E/CN.4/Sub.2/1993/L.23 in a revised form.

205. The sponsors made the following further revisions to the revised draft resolution:

(a) Retain, in the penultimate preambular paragraph, the original words "Muslims, Christians and";

(b) Insert a new paragraph as the seventh preambular paragraph;

(c) Insert, in the new penultimate preambular paragraph, the word "also" between the word "Noting" and the words "with regret".

206. The observer for Myanmar made a statement.

207. At the request of Mrs. Ksentini a vote was taken on the draft resolution.

208. The draft resolution as revised was adopted by secret ballot by 17 votes to 2, with 5 abstentions.

209. For the text of the resolution, see chapter II, section A, resolution 1993/19.

Situation of human rights in the Islamic Republic of Iran

210. At the 26th meeting, on 20 August 1993, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1993/L.24, sponsored by Mr. Bossuyt, Mr. Boutkevitch, Mrs. Chavez, Mr. Chernichenko, Mr. Eide, Mr. Joinet, Mrs. Palley and Mr. Sachar.

211. On behalf of the sponsors, Mr. Bossuyt made the following revision:

Insert the following paragraph after the ninth preambular paragraph:

"Deeply concerned at the refusal of the Islamic Republic of Iran to respond to Swiss judicial inquiries with regard to 13 Iranians carrying service passports involved in the assassination of Kazam Rajavi".

212. A statement relating to the draft resolution and the revision thereto was made by Mrs. Warzazi.

213. Mrs. Ksentini proposed amending the draft resolution by replacing the new tenth preambular paragraph by a new preambular paragraph.

214. The amendment was accepted by the sponsors.

215. The observer for the Islamic Republic of Iran made a statement.

216. At the request of Mr. Alfonso Martínez, a vote was taken on the draft resolution.

217. The draft resolution was adopted by secret ballot by 20 votes to 3, with 2 abstentions.

218. For the text as adopted, see chapter II, section A, resolution 1993/14.

The situation in Tibet

219. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1993/L.26, sponsored by Mr. Bossuyt, Mr. Boutkevitch, Mrs. Chavez, Mr. Eide and Mrs. Palley, which read as follows:

"The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

"Recalling its resolution 1991/10 of 23 August 1991 and the note by the Secretary-General (E/CN.4/1992/37) submitted to the Commission on Human Rights at its forty-eighth session,

"Noting with concern the reports of the Special Rapporteur of the Commission on the question of torture (E/CN.4/1993/26), the Special Rapporteur on religious intolerance (E/CN.4/1993/62) and the report of the Special Rapporteur on extrajudicial summary or arbitrary executions (E/CN.4/1993/46), all of which refer to the situation in Tibet.

"Noting also the reports of the Working Group on Arbitrary Detention (E/CN.4/1993/24), the Working Group on Enforced or Involuntary Disappearances (E/CN.4/1993/25) and reports prepared by other United Nations bodies, government delegations, parliamentary bodies and non-governmental human rights organizations on the situation in Tibet,

"1. Urges the Government of the People's Republic of China to facilitate access to all parts of Tibet by the Special Rapporteurs of the Commission on Human Rights on the question of torture, religious intolerance, extrajudicial, summary or arbitrary executions, and to the Working Groups on Arbitrary Detention and Enforced or Involuntary Disappearances;

"2. Calls upon the Government of the People's Republic of China to permit representatives of non-governmental human rights organizations to visit and travel throughout Tibet;

"3. Requests the relevant Special Rapporteurs to continue to report on their findings with respect to the human rights situation in Tibet;

"4. Draws the attention of the parties concerned to the need for early substantive discussions over their differences;

"5. Requests the Secretary-General to transmit information on the situation in Tibet, including the result of the discussions referred to in paragraph 4, provided by the Government of the People's Republic of China and by other reliable sources, including non-governmental organizations, for consideration by the Commission on Human Rights at its fiftieth session."

220. Mrs. Warzazi moved, under rule 65, paragraph 2, of the rules of procedure of the functional commissions of the Economic and Social Council, that the Sub-Commission take no decision on draft resolution E/CN.4/Sub.2/1993/L.26.

221. With regard to the draft resolution and the motion, statements were made by the following members of the Sub-Commission: Mr. Alfonso Martínez, Mrs. Attah, Mrs. Chavez, Mr. Chernichenko, Mr. Hakim, Mr. Joinet, Mrs. Ksentini, Mr. Maxim, Mrs. Palley and Mrs. Warzazi.

222. At the request of Mrs. Warzazi, a vote was taken on the motion.

223. The Sub-Commission adopted the motion not to take a decision on draft resolution E/CN.4/Sub.2/1993/L.26 by secret ballot by 17 votes to 6, with 2 abstentions.

224. For the text of the decision see chapter II, section B, 1993/107.

The situation of human rights in Sri Lanka

225. At the 27th meeting, on 20 August 1993, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1993/L.27, sponsored by Mr. Bossuyt, Mrs. Chavez, Mr. Eide and Mr. Joinet.

226. On behalf of the sponsors, Mr. Eide withdrew draft resolution L.27, which read as follows:

> "The Sub-Commission on the Prevention of Discrimination and Protection of Minorities,
>
> "Recalling Commission on Human Rights resolution 1987/61 of 12 March 1987,
>
> "Recalling also the acknowledgment by the Chairman of the Commission at its forty-ninth session of the statement by the representative of Sri Lanka (E/1993/23-E/CN.4/1993/122, para. 564) and the statement by the Chairman of the Commission at its forty-eighth session made on behalf of the Commission (E/1992/22-E/CN.4/1992/84, para. 416),
>
> "Deeply disturbed by the continuation of ethnic violence in Sri Lanka,
>
> "Welcoming the readiness of the Government of Sri Lanka, exemplified by its statement to the Commission at its forty-ninth session, to uphold 'the democratic principle of the Government's accountability to its people and Sri Lanka's international treaty obligations',
>
> "Welcoming the commitment by the Government of Sri Lanka, made to the Commission at its forty-ninth session, 'to make a comprehensive review and revision of emergency legislation related to arrest and detention', '[to undertake] the compilation and publication of a

consolidated version of all current emergency regulations to promote public awareness' and 'to consider favourably Sri Lanka's accession to the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment',

"Taking note of the contents of the reports of the Working Group on Enforced or Involuntary Disappearances (E/CN.4/1993/25 and Add.1), the Special Rapporteur on the question of torture (E/CN.4/1993/26) and the Special Rapporteur on extrajudicial, summary or arbitrary executions (E/CN.4/1993/46),

"1. Urges the Government of Sri Lanka to ensure full respect for human rights and fundamental freedoms;

"2. Calls upon the Government of Sri Lanka to appoint appropriate independent judicial commissions or tribunals to investigate all cases of enforced or involuntary disappearances, summary or arbitrary executions and cases of torture that have already occurred;

"3. Welcomes the willingness of the Government of Sri Lanka to continue its cooperation with the Commission and the Sub-Commission and, in particular, to help clarify pending cases of enforced or involuntary disappearances noted in the reports of the Working Group on Enforced or Involuntary Disappearances and to communicate to the Commission and the Sub-Commission new measures the Government of Sri Lanka may take in the field of human rights;

4. Condemns the use, by the Liberation Tigers of Tamil Eelam, of summary or arbitrary executions of non-combatant civilians, the practice of torture, abductions, arbitrary detention of persons and the expulsion of thousands of Muslim civilians from the north of the country;

5. Calls upon the Government of Sri Lanka and all other parties to the armed conflict strictly to adhere to the obligations under common article 3 of the Geneva Conventions of 1949;

6. Urges the Government of Sri Lanka and other parties to the conflict to seek a cessation of hostilities and to achieve an end to the conflict through negotiations among representatives of all ethnic groups, freely elected by them, and to obtain the assistance of the Secretary-General in any mediation that may become necessary;

7. Expresses the hope that the Government of Sri Lanka will afford the required opportunity to the Working Group on Enforced or Involuntary Disappearances and the Special Rapporteur on the question of torture to visit Sri Lanka and to undertake whatever study they deem appropriate;

8. Invites the Government of Sri Lanka to submit information to the Commission on Human Rights at its fiftieth session on the implementation of the present resolution."

227. The observer for Sri Lanka made a statement.

228. Statements were made by Mrs. Attah and Mrs. Palley.

Situation of human rights in Guatemala

229. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1993/L.28, sponsored by Mr. Alfonso Martínez, Mrs. Attah, Mr. Bossuyt, Mr. Boutkevitch, Mr. Chernichenko, Mr. Despouy, Mr. Eide, Mr. Guissé, Mr. Hakim, Mr. Heller, Mr. Joinet, Mr. Khalil, Mrs. Ksentini, Mr. Merrills, Mr. Ramadhane, Mr. Saboia, Mr. Sachar, Mrs. Warzazi and Mr. Yimer. Mrs. Forero Ucros and Mr. Hatano subsequently joined the sponsors.

230. Statements relating to the draft resolution were made by Mrs. Chavez, Mr. Heller and Mr. Joinet.

231. Mr. Heller orally revised the draft resolution by replacing in the penultimate preambular paragraph and in operative paragraph 6 the words "open the way for" with the words "the re-establishment of".

232. The draft resolution, as orally revised, was adopted without a vote.

233. For the text as adopted, see chapter II, section A, resolution 1993/16.

The situation in Bosnia and Herzegovina

234. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1993/L.30, sponsored by Mrs. Attah, Mr. Bossuyt, Mr. Boutkevitch, Mrs. Chavez, Mrs. Daes, Mr. Despouy, Mr. Eide, Mr. Guissé, Mr. Hakim, Mr. Hatano, Mr. Heller, Mr. Joinet, Mr. Khalil, Mrs. Ksentini, Mr. Maxim, Mr. Merrills, Mr. Ramadhane, Mr. Sachar, Mrs. Warzazi and Mr. Yimer.

235. At the request of Mr. Alfonso Martínez, a vote was taken on the draft resolution.

236. The draft resolution was adopted by secret ballot by 22 votes to 1, with 1 abstention.

237. For the text as adopted, see chapter II, section A, resolution 1993/17.

Situation of human rights in Haiti

238. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1993/L.31, sponsored by Mr. Despouy and Mr. Eide. Mr. Joinet and Mr. Saboia subsequently joined the sponsors.

239. Mrs. Ksentini proposed the following amendments:

(a) Amend the title as follows: "Situation in Haiti, encouragement towards the establishment of democratic process and the reconstruction of the country";

(b) Insert, in operative paragraph 6, the words "the evolution of" between the words "examine" and "the situation".

240. Mr. Despouy orally revised the draft resolution by inserting the words "of the United Nations and Organization of American States" in the penultimate preambular paragraph after the words "civil mission".

241. Statements relating to the draft resolution, the proposed amendment and the revision were made by: Mr. Alfonso Martínez, Mrs. Daes, Mr. Despouy, Mr. Guissé, Mr. Heller, Mrs. Ksentini and Mrs. Warzazi.

242. The observer for Haiti made a statement.

243. The draft resolution, as revised and amended, was adopted without a vote.

244. For the text as adopted, see chapter II, section A, resolution 1993/18.

Support to the peace process in El Salvador

245. At the 27th meeting, on 20 August 1993, the Chairman made the following statement regarding the peace process in El Salvador:

> "The Sub-Commission on Prevention of Discrimination and Protection of Minorities,
>
> Expresses to the Government of El Salvador its profound satisfaction at and appreciation of the end to the armed conflict, which was significant for the success of the peace process and the promotion and protection of human rights;
>
> Emphasizes the importance of the Peace Agreements reached on 16 January 1992 in Chapultepec, Mexico, between the Government of El Salvador and the Frente Farabundo Martí para la Liberación National;
>
> Stresses the need for full compliance with all the pending peace agreements;
>
> Emphasizes that in this process the effective protection of human rights calls inter alia for the continuation of the strengthening of the judiciary system and of the Office of the Representative and the members of the United Nations Observer Mission (UNUSAL) in the cause of promoting understanding between the parties, achieving progress in the fulfilment of the commitments assumed and consolidating peace;
>
> Reiterates its appeal to all States to contribute to the consolidation of peace and to support efforts to ensure full respect for human rights in El Salvador, on the basis of full implementation of and generous funding for the Peace Agreements, together with the National Reconstruction Plan."

246. The text was approved by the Sub-Commission.

Situation of human rights in Peru

247. At its 29th meeting, on 23 August 1993, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1993/L.37, sponsored by Mr. Despouy, Mrs. Forero Ucros, Mr. Heller and Mr. Saboia.

248. The draft resolution was adopted without a vote.

249. For the text of the resolution, see chapter II, section A, resolution 1993/23.

VIII. THE NEW INTERNATIONAL ECONOMIC ORDER AND THE PROMOTION OF HUMAN RIGHTS

A. The role and equal participation of women in development

250. The Sub-Commission considered item 7 together with item 8 (see chap. IX) at its 23rd to 26th and 33rd meetings, from 19 to 21 August and on 25 August 1993.

251. The Sub-Commission had before it the following documents in connection with its consideration of the item:

Written statement submitted by the Inter-Parliamentary Union, a non-governmental organization in consultative status (category I) (E/CN.4/Sub.2/1993/NGO/8);

Joint written statement submitted by the Women's International Democratic Federation, a non-governmental organization in consultative status (category I), by the American Association of Jurists, General Arab Women Federation, International Association of Democratic Lawyers, International Indian Treaty Council, International League for the Rights and Liberation of Peoples, International Organization for the Elimination of All Forms of Racial Discrimination, Latin American Federation of Associations of Relatives of Disappeared Detainees, Union of Arab Jurists and the Women's International League for Peace and Freedom, non-governmental organizations in consultative status (category II), by International Educational Development Inc, International Progress Organization, Movement against Racism and for Friendship among Peoples and World Peace Council, non-governmental organizations on the Roster (E/CN.4/Sub.2/1992/NGO/25).

252. In the general debate on item 7, statements 1/ were made by the following members of the Sub-Commission: Mr. Despouy (26th), Mr. Eide (26th), Mr. Sachar (26th).

253. Statements were made by the observers for Colombia (26th) and Iraq (26th).

254. The Sub-Commission also heard statements by representatives of the following non-governmental organizations: American Association of Jurists (25th), General Arab Women Federation (25th), International Commission of Jurists (25th), International Educational Development (25th), International Fellowship of Reconciliation (25th), International League for the Rights and Liberation of Peoples (24th), International Peace Bureau (25th), Union of Arab Jurists (25th), Women's International League for Peace and Freedom (25th), World Organization against Torture (25th).

255. A statement equivalent to a right of reply was made by the observer for Brazil (26th).

Ambassadors of the arts for human rights

256. At the 33rd meeting, on 25 August 1993, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1993/L.42, sponsored by Mrs. Attah, Mr. Khalil, Mrs. Ksentini and Mr. Ramadhane, which read as follows:

"The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Appreciating the generosity of Member States, organizations and private individuals that contribute to the various United Nations Voluntary Funds,

Reaffirming that such Funds are of paramount importance to the activities of the United Nations,

Mindful, however, that a serious shortage of financial resources is a great handicap both in the preparation and execution of the various programmes of these Funds,

Welcoming the appointment of United Nations goodwill ambassadors in connection with the International Year of the World's Indigenous People,

Convinced that the work of goodwill ambassadors chosen from among artists or groups of artists will make a positive contribution to the mobilization of resources for human rights,

Calls on the Commission on Human Rights to request the Secretary-General to study the possibility of appointing artists, or groups of artists as 'ambassadors of the arts for human rights', whose task would be to find further sources of income for the General Fund."

257. Mr. Bossuyt proposed amending the draft resolution by replacing in the title and the operative paragraph, the words "ambassadors of the arts" by the words "goodwill ambassadors".

258. Statements relating to the draft resolution and the proposed amendment were made by Mr. Joinet, Mr. Saboia and Mrs. Warzazi.

259. The Sub-Commission decided to postpone consideration of the draft resolution contained in document E/CN.4/Sub.2/1993/L.42 until the forty-sixth session.

IX. THE REALIZATION OF ECONOMIC, SOCIAL AND CULTURAL RIGHTS

260. The Sub-Commission considered item 8, together with item 7 (see chapter VIII), at its 24th, 27th to 29th, and 33rd to 34th meetings, on 19, 20, 23, 25, and 26 August 1993.

261. The Sub-Commission had before it the following documents in connection with its consideration of the item:

The right to adequate housing: progress report submitted by Mr. Rajindar Sachar, Special Rapporteur appointed pursuant to resolution 1992/26 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities and decision 1993/103 of the Commission on Human Rights (E/CN.4/Sub.2/1993/15);

Preliminary report on human rights and extreme poverty, prepared by Mr. Leandro Despouy, Special Rapporteur appointed in accordance with resolution 1992/27 of the Subcommission on the Prevention of Discrimination and Protection of Minorities and resolution 1993/13 of the Commission on Human Rights (E/CN.4/Sub.2/1993/16);

The human rights dimensions of population transfer, including the implantation of settlers: preliminary report prepared by Mr. A.S. Al-Khasawneh and Mr. R. Hatano (E/CN.4/Sub.2/1993/17 and Corr.1);

Report of the Secretary-General, prepared pursuant to Sub-Commission resolution 1992/29 (E/CN.4/Sub.2/1993/18);

Report of the Secretary-General, prepared pursuant to Sub-Commission resolution 1992/29: list of documents relating to economic, social and cultural rights issued in the preparatory process of the World Conference on Human Rights (E/CN.4/Sub.2/1993/18/Add.1);

Letter dated 18 May 1993 from the Permanent Mission of the Republic of Iraq to the United Nations Office at Geneva addressed to the Assistant Secretary-General for Human Rights (E/CN.4/Sub.2/1993/36);

Written statement submitted by Human Rights Advocates, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1993/NGO/28).

Report of a seminar on indicators to measure achievements in the progressive realization of economic, social and cultural rights (A/CONF.157/PC/73).

262. At the 25th meeting, on 18 August 1993, the Special Rapporteur, Mr. Sachar, introduced his report (E/CN.4/Sub.2/1993/15).

263. At the 28th meeting on 23 August 1993, the Special Rapporteur, Mr. Despouy, introduced his report (E/CN.4/Sub.2/1993/16).

264. With regard to the introduction of the preliminary report concerning the human rights dimensions of population transfer, including the implementation of settlers, prepared by Mr. Al-Khasawneh and Mr. Hatano, see chapter XIX, paragraph 481.

265. In the general debate on item 8, statements 1/ were made by the following members of the Sub-Commission: Mr. Alfonso Martínez (29th), Mrs. Attah (28th), Mrs. Chavez (28th), Mr. Eide (28th), Mr. Guissé (28th), Mr. Heller (28th), Mrs. Palley (28th), Mr. Saboia (28th), Mr. Sachar (28th) and Mr. Tian Jin (29th).

266. Statements were made by the observers for Cyprus (28th), Estonia (28th), Guatemala (24th), India (28th) and Iraq (28th).

267. The Sub-Commission also heard statements by representatives of the following non-governmental organizations: African Association of Education for Development (27th), American Association of Jurists (27th), Centre Europe-Tiers Monde (28th), Habitat International Coalition (28th), Indian Council of South America (28th), Indigenous World Association (27th), International Association against Torture (27th), International Association of Educators for World Peace (27th), International Commission of Jurists (27th), International Educational Development (27th), International Federation for the Protection of the Rights of Ethnic, Religious, Linguistic and other Minorities (27th), International Federation Terre des Hommes (28th), International Fellowship of Reconciliation (27th), International Humanist and Ethical Union (27th), International Movement ATD Fourth World (27th), Minority Rights Group (27th), Movement against Racism and for Friendship among Peoples (27th), National Aboriginal and Islander Legal Service Secretariat (27th), Organization for the Development of Freedom of Education (28th), Pax Christi International (28th), Sierra Club Legal Defense Fund, Inc. (27th), Women's International League for Peace and Freedom (27th), World Federation of Trade Unions (27th), World Organization against Torture (27th), and World University Service (27th).

268. A statement equivalent to a right of reply was made by the observer for Mauritania (29th).

269. At the 29th meeting, on 23 August 1993, the Special Rapporteur, Mr. Hatano made his concluding remarks.

Human rights dimensions of population transfer, including the implementation of settlers and settlements

270. At the 33rd meeting, on 25 August 1993, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1993/L.34, sponsored by Mr. Alfonso Martínez, Mrs. Attah, Mr. Bossuyt, Mr. Boutkevitch, Mrs. Chavez, Mr. Chernichenko, Mr. Despouy, Mr. Eide, Mr. Guissé, Mr. Hakim, Mr. Hatano, Mr. Heller, Mr. Joinet, Mr.Khalil, Mrs. Ksentini, Mr. Maxim, Mrs. Palley, Mr. Ramadhane, Mr. Saboia, Mr. Sachar, Mrs. Warzazi and Mr. Yimer.

271. Mr. Hatano orally revised the draft resolution as follows:

(a) Delete the words "and Mr. Ribot Hatano" in operative paragraph 9 (a);

(b) In operative paragraph 3, replace the words "the Special Rapporteurs", with the words "as Mr. Awn Shawkat Al-Kasawneh the Special Rapporteur";

(c) Replace in operative paragraphs 5, 6, 9 (a), 9 (c), and 9 (d), the words "Special Rapporteurs" by the words "Special Rapporteur";

(d) In operative paragraphs 3, 5, 6, 9 (a) and 9 (c) replace the word "their" by the word "his";

(e) In operative paragraph 6, replace the word "they" by the word "he";

(f) After operative paragraph 2, insert a new paragraph: "Regrets that Mr. Hatano is unable to be further involved in the work on this subject as one of the Special Rapporteurs";

(g) Renumber operative paragraphs 3 to 9 accordingly.

272. Statements relating to the draft resolution and the revision were made by Mrs. Daes and Mrs. Ksentini.

273. The draft resolution, as revised, was adopted without a vote.

274. For the text as adopted, see chapter II, section A, resolution 1993/34.

Promoting the realization of the right to adequate housing

275. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1993/L.45, sponsored by Mr. Alfonso Martínez, Mrs. Attah, Mr. Boutkevitch, Mr. Chernichenko, Mrs. Daes, Mr. Despouy, Mr. Eide, Mrs. Forero Ucros, Mr. Guissé, Mr. Hakim, Mr. Hatano, Mr. Heller, Mr. Joinet, Mr. Khalil, Mrs. Ksentini, Mr. Maxim, Mrs. Palley, Mr. Ramadhane, Mr. Saboia, Mr. Tian Jin, Mrs. Warzazi and Mr. Yimer.

276. A statement relating to the draft resolution was made by Mrs. Ksentini.

277. A statement on an estimate of the programme budget implications of implementing the draft resolution was made by a representative of the Secretary-General, in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council.

278. The draft resolution was adopted without a vote.

279. For the text as adopted, see chapter II, section A, resolution 1993/36.

Human rights and extreme poverty

280. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1993/L.43, sponsored by Mr. Alfonso Martínez, Mrs. Attah, Mr. Bossuyt, Mr. Despouy, Mr. Eide, Mrs. Forero Ucros, Mr. Guissé, Mr. Hakim, Mr. Hatano, Mr. Heller, Mr. Joinet, Mr. Khalil, Mrs. Ksentini, Mrs. Palley, Mr. Ramadhane, Mr. Saboia, Mr. Sachar, Mr. Tian Jin and Mr. Yimer.

281. The draft resolution was adopted without a vote.

282. For the text as adopted, see chapter II, section A, resolution 1993/35.

Human rights and income distribution

283. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1993/L.48, sponsored by Mrs. Attah, Mrs. Daes, Mrs. Forero Ucros, Mr. Guissé, Mr. Ramadhane, Mr. Saboia and Mr. Sachar.

284. Mr. Saboia orally revised the draft resolution by deleting operative paragraphs 5 to 9 and adding a new operative paragraph 5.

285. The Sub-Commission decided to postpone consideration of draft resolution E/CN.4/Sub.2/1993/L.48.

286. At the 34th meeting, on 26 August 1993, the Sub-Commission resumed consideration of draft resolution E/CN.4/Sub.2/1993/L.48.

287. Mrs. Ksentini proposed the following amendment:

> Insert, in operative paragraph 3, the words "without financial implications" before the words "a preparatory document".

288. The amendment was accepted by the sponsors.

289. Mr. Yokota proposed the following amendment:

> Delete, in operative paragraph 3, the words "in particular economic, social and cultural rights".

290. The amendment was not accepted by the sponsors.

291. Mrs. Warzazi proposed the following amendments:

(a) Add in the eleventh preambular paragraph the words "in particular in developing countries" after the words "Conscious of the impact of inequitable income distribution";

(b) Replace, in operative paragraph 3, the words "continue attention to these issues" with the words "strengthen activities in this field".

292. The second amendment proposed by Mrs. Warzazi was accepted by the sponsors.

293. Mr. Saboia further revised the draft resolution by replacing in operative paragraph 1, the words "close existing gaps in the distribution of income and expand access" with the words "ensure more equitable access".

294. Statements, relating to the draft resolution, the revision and the amendments, were made by Mr. Alfonso Martínez, Mrs. Chavez, Mrs. Ksentini, Mr. Saboia, Mrs. Warzazi and Mr. Yokota.

295. The draft resolution, as revised and amended, was adopted without a vote.

296. For the text as adopted, see chapter II, section A, resolution 1993/40.

Forced evictions

297. At the 34th meeting, on 26 August 1993, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1993/L.49, sponsored by Mrs. Daes, Mr. Eide, Mrs. Palley, Mr. Saboia and Mr. Sachar.

298. Mr. Eide revised the draft resolution by replacing, in operative paragraph 7, the words "the Secretary General" by the words "the Commission on Human Rights" and the word "Requests" by the word "Recommends".

299. Mrs. Warzazi proposed the following amendment:

> Replace, in operative paragraph 7, the word "Requests" with the words "Endorses the recommendation to".

300. The Sub-Commission decided to delete operative paragraph 7, which read:

> "Requests the Secretary-General, in compiling the analytical report on the practice of forced eviction, as requested by the Commission in its resolution 1993/77, to examine the question of appointing a special rapporteur on forced evictions and to outline additional measures designed to reduce and eliminate this practice;"

301. Statements, relating to the draft resolution, the proposed revision and the amendment, were made by Mr. Alfonso Martínez, Mr. Despouy, Mr. Eide, Mr. Sachar, Mrs. Warzazi and Mr. Yimer.

302. The draft resolution, as amended, was adopted without a vote.

303. For the text as adopted, see chapter II, section A, resolution 1993/41.

X. COMMUNICATIONS CONCERNING HUMAN RIGHTS: REPORT OF THE WORKING GROUP ESTABLISHED UNDER SUB-COMMISSION RESOLUTION 2 (XXIV) IN ACCORDANCE WITH ECONOMIC AND SOCIAL COUNCIL RESOLUTION 1503 (XLVIII)

304. The Sub-Commission considered item 9 at its 30th, 31st, 32nd and 36th meetings on 24, 25 and 27 August 1993.

305. In its resolution 1503 (XLVIII) of 27 May 1979, the Economic and Social Council authorized the Sub-Commission to appoint a working group (Working Group on Communications) of no more than five of its members to meet annually for 10 working days, immediately before each session of the Sub-Commission, to consider all communications received by the Secretary-General under Council resolution 728 F (XXVIII) of 30 July 1959, including replies of Governments thereon, with a view to bringing to the attention of the Sub-Commission those communications which appeared to reveal a consistent pattern of gross and reliably attested violations of human rights and fundamental freedoms.

306. The procedure to be followed by the Working Group on Communications in deciding on the admissibility of communications was established in Sub-Commission resolution 1 (XXIV) of 13 August 1971, and the Working Group itself was set up in accordance with Sub-Commission resolution 2 (XXIV) of 16 August 1971.

307. The Sub-Commission had before it a confidential report on the work of the Working Group on Communications at its twenty-first session, held from 19 to 30 July 1993 (E/CN.4/Sub.2/1993/R.1 and addenda), certain communications which had been kept pending before the Sub-Commission since its forty-fourth session in 1992, as well as all government replies relevant to the material before it. The Sub-Commission wished to stress in this connection that government cooperation was essential for the proper functioning of the bodies entrusted with the implementation of the procedure governed by Council resolution 1503 (XLVIII) and expressed the hope that all Governments would in the future respond to communications transmitted to them and thereby contribute to the further development of international cooperation in the field of human rights.

308. Mr. Guissé, Chairman-Rapporteur of the Working Group on Communications, introduced the Working Group's report and drew attention to the material before the Sub-Commission which was pending since its forty-fourth session.

309. Following the discussion which ensued, the Sub-Commission decided, pursuant to paragraph 5 of Economic and Social Council resolution 1503 (XLVIII), to refer to the Commission on Human Rights for consideration certain particular situations which appeared to reveal a consistent pattern of gross and reliably attested violations of human rights. The Sub-Commission also decided to defer action on certain communications to its forty-sixth session, in 1994, and to take no action with regard to certain communications.

310. At its 36th meeting (closed part), on 27 August 1993, the Sub-Commission adopted a confidential report, pursuant to paragraph 8 of Council resolution 1503 (XLVIII), in which it communicated to the Commission on Human Rights its decisions taken under paragraph 5 of that resolution.

311. At its 36th meeting, on 27 August 1993, the Sub-Commission decided on the composition of its Working Group on Communications that would meet prior to its forty-sixth session. For the composition of the Working Group, see chapter II, section B, decision 1993/111.

XI. THE ADMINISTRATION OF JUSTICE AND THE HUMAN RIGHTS OF DETAINEES

(a) Question of human rights of persons subjected to any form of detention or imprisonment

(b) Question of human rights and states of emergency

(c) Individualization of prosecution and penalties, and repercussions of violations of human rights on families

(d) The right to a fair trial

312. The Sub-Commission considered item 10 together with item 11 (see chapter XII), at its 17th to 25th and 33rd meetings, on 13 to 19 and on 25 August 1993.

313. The Sub-Commission had before it the following documents in connection with its consideration of the item:

Note by the Secretary-General concerning the submission of information pursuant to Sub-Commission resolution 7 (XXVII) of 20 August 1974 (E/CN.4/Sub.2/1993/19);

Application of international standards concerning the human rights of detained juveniles: note by the Secretary-General pursuant to Sub-Commission resolution 1992/25 and Commission on Human Rights resolution 1993/80 (E/CN.4/Sub.2/1993/20);

The possible utility, scope and structure of a special study on the issue of privatization of prisons: outline prepared by Mrs. Claire Palley pursuant to Sub-Commission decision 1992/107 (E/CN.4/Sub.2/1993/21);

Report of the Working Group on Detention (E/CN.4/Sub.2/1993/22 and Corr.1);

Sixth annual report and list of States which, since 1 January 1985, have proclaimed, extended or terminated a state of emergency, presented by Mr. L. Despouy, Special Rapporteur appointed pursuant to Economic and Social Council resolution 1985/37 (E/CN.4/Sub.2/1993/23);

The right to a fair trial: current recognition and measures necessary for its strengthening: fourth report prepared by Mr. Stanislav Chernichenko and Mr. William Treat (E/CN.4/Sub.2/1993/24 and Add.1-2);

Letter dated 18 August 1993 from the Chairman of the forty-fifth session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities addressed to the Chargé d'Affaires, Permanent Mission of the United States of America to the United Nations and other international organizations at Geneva (E/CN.4/Sub.2/1993/40);

Letter dated 20 August 1993 from the Chargé d'Affaires, ad interim, Permanent Mission of the United States of America to the United Nations and other international organizations at Geneva addressed to the Chairman of the forty-fifth session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/Sub.2/1993/41);

Letter dated 25 August 1993 from the Chargé d'Affaires ad interim, Permanent Mission of the United States of America to the United Nations and other international organizations at Geneva, addressed to the Chairman of the forty-fifth session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/Sub.2/1993/42);

Written statement submitted by the American Association of Jurists, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1993/NGO/2);

Written statement submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1993/NGO/9);

Written statement submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1993/NGO/11);

Written statement submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1993/NGO/14);

Written statement submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1993/NGO/15).

314. At the 19th meeting on 16 August 1993, the Special Rapporteur, Mr. Despouy, introduced his report (E/CN.4/Sub.2/1993/23).

315. At the 20th meeting, on 17 August 1993, Mrs. Palley introduced her outline of the possible utility, scope and structure of a special study on the issue of privatization of prisons (E/CN.4/Sub.2/1993/21).

316. At the 21st meeting, on 17 August 1993, Mr. Chernichenko and Mr. Treat introduced their report (E/CN.4/Sub.2/1993/24 and Add.1-2). Mr. Yimer, in his function as commentator, gave his observations.

317. At the 22nd meeting on 18 August 1993, Mrs. Chavez, Rapporteur of the Working Group on Detention, introduced the report of the Working Group on Detention (E/CN.4/Sub.2/1993/22 and Corr.1).

318. In the general debate on the item, statements 1/ were made by the following members of the Sub-Commission: Mr. Alfonso Martínez (17th, 23rd, 25th), Mrs. Attah (21st, 22nd), Mr. V. Boutkevitch (23rd),

Mrs. Chavez (22nd), Mr. Chernichenko (24th), Mr. Despouy (20th, 24th), Mr. Eide (22nd), Mr. Guissé (17th, 18th, 23rd), Mr. Heller (23rd), Mr. Joinet (21st), Mr. Khalil (22nd), Mrs. Ksentini (24th), Mrs. Palley (20th), Mr. Sachar (22nd).

319. Statements were made by the observers for: Colombia (24th), Ethiopia (24th), Honduras (24th), Myanmar (24th), Philippines (24th), Romania (24th), Sri Lanka (24th), Turkey (24th).

320. The representative of the Crime Prevention and Criminal Justice Branch of the United Nations Office at Vienna made a statement (18th).

321. The Sub-Commission also heard statements by the representatives of the following non-governmental organizations: American Association of Jurists (18th), Amnesty International (17th), Andean Commission of Jurists (20th), Centre Europe-Tiers Monde (20th), Commission of the Churches on International Affairs of the World Council of Churches (17th), France-Libertés: Fondation Danielle Mitterrand (18th), International Association against Torture (19th), International Association of Educators for World Peace (18th), International Educational Development, Inc. (19th), International Falcon Movement-Socialist Educational International (18th), International Federation of Human Rights (18th), International Indian Treaty Council (18th), International League for the Rights and Liberation of Peoples (20th), International PEN (19th), International Movement against All Forms of Discrimination and Racism (20th), International Progress Organization (18th), Latin American Federation of Associations of Relatives of Disappeared Detainees (22nd), Liberation (18th), Movement against Racism and for Friendship among Peoples (18th), National Aboriginal and Islander Legal Service Secretariat (18th), Pax Christi International (19th), Pax Romana (20th), Robert F. Kennedy Memorial Center for Human Rights (17th), Service Peace and Justice in Latin America (19th), World Organization against Torture (20th).

322. Statements equivalent to a right of reply were made by the observers for: Indonesia (22nd), Japan (25th), Malaysia (22nd), Mauritania (25th), Morocco (23rd), Syrian Arab Republic (23rd), Turkey (20th).

323. At the 19th meeting, on 16 August 1993, Mr. Alfonso Martínez proposed a draft decision concerning the situation of a group of hunger strikers in the United States of America.

324. With regard to the proposal made by Mr. Alfonso Martínez, the following members of the Sub-Commission made statements: Mrs. Chavez, Mr. Joinet, Mrs. Palley, Mr. Guissé.

325. Mrs. Chavez proposed amending the draft decision by adding the following paragraph to the text proposed by Mr. Alfonso Martínez:

> "The Sub-Commission equally requests its Chairman to request the competent authorities of Cuba to provide official information concerning the status and condition of the following persons: Sebastian Arcos Bergnes, José Luis Pujol Irizar, Elizardo Sanchez Santa Cruz,

Lazaro Loreto Perea, Rodolfo Gonzalez, Marco Antonio Abad Flamand, Jorge Crespo Diaz, Michael Pérez Pérez, Yndamiro Restano Diaz, Martinez Bustamante, Luis Alberto Pita Santos, Arturo Suarez Ramos."

326. Mrs. Palley moved under rule 65, paragraph 2, of the rules of procedure of the functional commissions of the Economic and Social Council, not to take action on either the draft decision or on the amendment thereto.

327. At the request of Mr. Alfonso Martínez, a roll-call vote was taken on the motion, which was rejected by 6 votes to 6, with 4 abstentions. The voting was as follows:

In favour: Mr. Bossuyt, Mrs. Chavez, Mr. Eide, Mr. Hatano, Mr. Khalil, Mrs. Palley

Against: Mr. Alfonso Martínez, Mr. Chernichenko, Mr. Heller, Mr. Joinet, Mr. Ramadhane, Mr. Tian Jin

Abstaining: Mr. Despouy, Mr. Hakim, Mr. Maxim, Mr. Saboia

328. At the request of Mrs. Palley, a roll-call vote was taken on the amendment proposed by Mrs. Chavez, which was rejected by 6 votes to 5, with 7 abstentions. The voting was as follows:

In favour: Mr. Bossuyt, Mrs. Chavez, Mr. Eide, Mr. Hakim, Mrs. Palley

Against: Mr. Alfonso Martínez, Mr. Heller, Mrs. Ksentini, Mr. Ramadhane, Mr. Sachar, Mr. Tian Jin

Abstaining: Mr. Chernichenko, Mr. Despouy, Mr. Yokota, Mr. Joinet, Mr. Khalil, Mr. Maxim, Mr. Saboia

329. At the request of Mr. Alfonso Martínez, a roll-call vote was taken on the draft decision as originally proposed, which was adopted by 6 votes to 4, with 7 abstentions. The voting was as follows:

In favour: Mr. Alfonso Martinez, Mr. Hakim, Mr. Heller, Mr. Ramadhane, Mr. Sachar, Mr. Tian Jin

Against: Mr. Bossuyt, Mrs. Chavez, Mr. Eide, Mrs. Palley

Abstaining: Mr. Chernichenko, Mr. Despouy, Mr. Yokota, Mr. Joinet, Mr. Khalil, Mr. Maxim, Mr. Saboia

330. Explanations of vote after the vote were made by Mr. Alfonso Martínez, Mrs. Chavez, Mr. Chernichenko, Mr. Despouy, Mr. Eide, Mr. Joinet, Mr. Khalil, Ms. Ksentini, Mr. Saboia and Mr. Yokota.

331. For the text of the decision, see chapter II, decision 1993/105.

332. Subsequently, by letter of 18 August 1993, the Chairman transmitted the text of the decision to the Chargé d'Affaires, Permanent Mission of the United States of America to the United Nations Office and other international organizations at Geneva (see E/CN.4/Sub.2/1993/40).

333. At the 29th meeting, on 23 August 1993, the Chairman informed the Sub-Commission that he had received a reply to the letter (see E/CN.4/Sub.2/1993/41).

Question of the human rights of persons subjected to any form of detention or imprisonment

334. At the 33rd meeting, on 25 August 1993, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1993/L.8, sponsored by Mrs. Attah, Mr. Bossuyt, Mr. Boutkevich, Mrs. Chavez, Mrs. Daes, Mr. Despouy, Mr. Eide, Mr. Guissé, Mr. Hatano, Mr. Heller, Mr. Joinet, Mr. Maxim, Mrs. Palley, Mr. Sachar and Mr. Yimer.

335. Statements relating to the draft resolution were made by Mr. Boutkevich, Mr. Joinet and Mrs. Ksentini.

336. The draft resolution was adopted without a vote.

337. For the text as adopted, see chapter II, section A, resolution 1993/25.

Question of human rights and states of emergency

338. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1993/L.46, sponsored by Mr. Alfonso Martínez, Mr. Bossuyt, Mrs. Daes, Mr. Despouy, Mr. Eide, Mrs. Forero Ucros, Mr. Guissé, Mr. Hatano, Mr. Hakim, Mr. Joinet, Mr. Khalil, Mr. Ramadhane, Mr. Saboia, Mr. Sachar and Mrs. Warzazi.

339. The draft resolution was adopted without a vote.

340. For the text as adopted, see chapter II, section A, resolution 1993/28.

Right to a fair trial

341. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1993/L.33, sponsored by Mr. Alfonso Martínez, Ms. Attah, Mr. Boutkevich, Ms. Chavez, Ms. Daes, Mr. Despouy, Mr. Eide, Mr. Guissé, Mr. Hatano, Mr. Khalil, Mrs. Palley, Mr. Saboia, Mr. Sachar, Mrs. Warzazi and Mr. Yimer.

342. Mrs. Ksentini proposed the following amendments to the draft resolution:

(a) Delete operative paragraph 5, which read as follows: "Decides to consider at its forty-sixth session transmitting to the Commission on Human Rights the draft third optional protocol to the International Covenant on Civil and Political Rights, aiming at guaranteeing under all circumstances the right to a fair trial and a remedy"; and renumber the remaining operative paragraphs accordingly;

(b) Insert in new operative paragraph 5 the words "the advisability of elaborating a third optional protocol to the International Covenant on Civil and Political Rights as well as" before the words "the other recommendations";

(c) Delete in new operative paragraph 6 the words, "inter alia, at developing a draft third optional protocol to the International Covenant on Civil and Political Rights aiming", after the words "a set of conclusions and recommendations aimed".

343. The proposed amendments were accepted by the sponsors.

344. Statements in connection with the draft resolution and the proposed amendments were made by Mr. Bossuyt and Mr. Joinet.

345. The draft resolution, as amended, was adopted without a vote.

346. For the text, as adopted, see chapter II, section A, resolution 1993/26.

Arbitrary and summary executions

347. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1993/L.21, sponsored by Mr. Boutkevich, Mrs. Chavez, Mr. Eide and Mrs. Palley. Draft resolution E/CN.4/Sub.2/1993/L.21 read as follows:

"The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

"Guided by the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and Commission on Human Rights resolution 1993/71 of 10 March 1993

"Deeply concerned at reports of the occurrence of arbitrary and summary executions in Aceh, Indonesia since 1989,

"Concerned also at the failure of the authorities to investigate these reports,

"Regretting that the Special Rapporteur of the Commission on Human Rights on the question of torture was prevented from visiting Aceh when visiting Indonesia and East Timor in November 1991,

"1. Expresses its deep concern at the reports of arbitrary and summary executions in Aceh;

"2. Regrets that the Special Rapporteur of the Commission on Human Rights on the question of torture was prevented from visiting Aceh when visiting East Timor and Indonesia in November 1991;

"3. Encourages the Indonesian authorities to invite the Special Rapporteurs of the Commission on Human Rights on the question of torture and on extrajudicial, summary and arbitrary executions to visit Aceh and other parts of Indonesia with a view to ascertaining the situation pertaining to torture and arbitrary and summary executions;

"4. Recommends to the Commission that it consider at its fiftieth session the reports of the Special Rapporteurs on the question of torture and on extrajudicial, summary and arbitrary executions on the situation in Indonesia, particularly in Aceh, and to this purpose requests the secretariat to transmit to the Commission all information received;

"5. Decides to consider at its forty-sixth session the questions of torture and extrajudicial, summary and arbitrary executions and related human rights violations in Indonesia, in particular in Aceh."

348. Statements relating to the draft resolution were made by Mr. Alfonso Martínez, Mrs. Forero Ucros, Mr. Hakim, Mr. Heller, Mr. Joinet, Mrs. Palley and Mr. Tian Jin.

349. Mr. Alfonso Martínez moved under rule 65, paragraph 2, of the rules of procedure of the functional commissions of the Economic and Social Council that the Sub-Commission take no decision on the draft resolution.

350. A vote was taken on the motion by secret ballot.

351. The motion that the Sub-Commission take no decision on draft resolution E/CN.4/Sub.2/1993/L.21 was adopted by secret ballot by 17 votes 7, with 1 abstention.

352. For the text of the decision as adopted see chapter II, section B, 1993/108.

353. Statements after the vote were made by Mr. Alfonso Martínez and Mr. Despouy.

The application of international standards concerning the human rights of detained juveniles

354. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1993/L.35, sponsored by Mr. Despouy, Mr. Joinet and Mrs. Ksentini. Mr. Maxim subsequently joined the sponsors.

355. The draft resolution was adopted without a vote.

356. For the text as adopted, see chapter II, section A, resolution 1993/27.

Study of the issue of the privatization of prisons

357. At the same meeting the Sub-Commission considered draft decision E/CN.4/Sub.2/1993/L.44, sponsored by Mr. Alfonso Martínez, Mr. Boutkevitch, Mrs. Chavez, Mr. Guissé and Mr. Sachar.

358. Statements relating to the draft decision were made by Mr. Alfonso Martínez, Mr. Despouy, Mr. Guissé, Mr. Joinet, Mrs. Ksentini and Mrs. Palley.

359. The draft decision was adopted without a vote.

360. For the text as adopted, see chapter II, section B, decision 1993/109.

XII. INDEPENDENCE AND IMPARTIALITY OF THE JUDICIARY, JURORS AND ASSESSORS AND THE INDEPENDENCE OF LAWYERS

361. The Sub-Commission considered item 11 together with item 10 (see chapter XI), at its 17th to 25th and 34th meetings, on 13 to 19 and on 26 August 1993.

362. The Sub-Commission had before it the following documents in connection with its consideration of the item:

Report on the independence of the judiciary and the protection of practising lawyers submitted by Mr. Louis Joinet, pursuant to Sub-Commission resolution 1992/38 (E/CN.4/Sub.2/1993/25 and Add.1);

Written statement submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1993/NGO/15);

363. At the 23rd meeting, on 18 August 1993, the Special Rapporteur, Mr. Joinet, presented his report (E/CN.4/Sub.2/1993/25 and Add.1).

364. In the general debate on the item, statements 1/ were made by the following members of the Sub-Commission: Mr. Despouy (24th), Mr. Eide (22nd), Mr. Khalil (22nd), Mrs. Palley (20th), Mr. Sachar (22nd) and Mrs. Warzazi (22nd).

365. Statements were made by the observers for Colombia (24th), Honduras (24th), Romania (24th), Sri Lanka (24th) and Turkey (24th).

366. The Sub-Commission also heard statements by representatives of the following non-governmental organizations: American Association of Jurists (19th), Centre Europe Tiers Monde (20th), France Liberté: Fondation Danielle Mitterand (18th), International Commission of Jurists (18th), International Educational Development (20th), International Falcon Movement-Socialist Educational International (18th), International Federation of Human Rights (18th), International League for the Rights and Liberation of Peoples (20th), International Progress Organization (18th), International Union of Lawyers (18th), Latin American Federation of Associations of Relatives of Disappeared Detainees (22nd), National Aboriginal and Islander Legal Service Secretariat (24th), Service Peace and Justice in Latin America (19th), World Organization against Torture (20th).

367. Statements equivalent to a right of reply were made by the observers for Turkey (20th) and the United Kingdom of Great Britain and Northern Ireland (20th).

Independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers

368. At the 33rd meeting, on 26 August 1993, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1993/L.52, sponsored by Mr. Despouy, Mr. Eide, Mr. Guissé, Mr. Khalil and Mr. Yokota.

369. Mr. Guissé orally revised the draft resolution by inserting in operative paragraph 3 the words "particularly with regard to judges and lawyers, as well as court officers," after the words "of the judiciary", and making the corresponding changes to operative paragraph 5.

370. Mr. Alfonso Martínez proposed amending operative paragraph 3 by inserting after the words "impartiality of the judiciary in the form" the words "and with the mandate which the Commission may deem appropriate".

371. Mr. Eide orally revised operative paragraph 3 by inserting the words "and recommends also that this take the form of" before the words "a special rapporteur".

372. Mrs. Warzazi proposed the following amendments:

(a) To insert in operative paragraph 3 the words "and the nature of problems liable to attack this independence and impartiality" after the words "of the judiciary", and to make the corresponding changes to operative paragraph 5;

(b) To replace operative paragraph 3 (c) by "To address situations requiring technical assistance when requested by the States concerned."

373. Mr. Heller proposed the following amendment:

(a) To replace, in operative paragraph 3, the word "should" by the word "could";

(b) To replace subparagraphs 3 (b) and (c) by one subparagraph reading as follows: "(b) To identify and record attacks on the independence of the judiciary and to provide technical assistance when so requested;"

(c) To insert in new operative paragraph 3 (c) the words "and drug trafficking" after the word "terrorism".

These proposed amendments would also be reflected in operative paragraph 5 of the draft resolution.

374. The first proposal made by Mrs. Warzazi and the amendments proposed by Mr. Heller were accepted by the sponsors.

375. Statements relating to the draft resolution, revisions and amendments were made by Mr. Alfonso Martínez, Mr. Eide, Mr. Despouy, Mrs. Ferero Ucros, Mr. Guissé, Mr. Joinet, Mrs. Ksentini and Mr. Yokota.

376. The draft resolution, as revised and amended, was adopted without a vote.

377. For the text as adopted, see chapter II, section A, resolution 1993/39.

XIII. HUMAN RIGHTS AND DISABILITY

378. The Sub-Commission considered item 12 at its 17th, 18th and 27th meetings, on 13, 16 and 20 August 1993.

379. In the general debate on the item, a statement 1/ was made by Mr. Despouy (18th).

380. A statement was made by the observer for El Salvador (17th).

381. The Sub-Commission also heard statements by representatives of the following non-governmental organizations: International Association of Educators for World Peace (17th), International Educational Development (17th), Disabled Peoples' International (17th).

382. At the 27th meeting, on 20 August 1993, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1993/L.29, sponsored by Mr. Bossuyt, Mrs. Daes, Mr. Despouy, Mr. Eide and Mr. Guissé. Mrs. Ksentini subsequently joined the sponsors.

383. The draft resolution was adopted without a vote.

384. For the text of the resolution, see chapter II, section A, resolution 1993/22.

XIV. ELIMINATION OF ALL FORMS OF INTOLERANCE AND OF DISCRIMINATION BASED ON RELIGION AND BELIEF

385. The Sub-Commission considered item 13 at its 7th, 8th and 17th meetings, held on 6 and 13 August 1993.

386. The Sub-Commission had before it the following documents in connection with its consideration of the item:

Written statement submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1993/NGO/14);

Joint statement submitted by the International Association for the Defence of Religious Liberty, the International Council of Jewish Women, the International Fellowship of Reconciliation, the International Organization for Development of Freedom of Education and Pax Christi International, non-governmental organizations in consultative status (category II).

387. In the general debate on the item, a statement 1/ was made by Mrs. Mbonu (8th).

388. The Sub-Commission also heard statements by the following non-governmental organizations: Baha'i International Community (8th), International Association for the Defence of Religious Liberty (8th), International Federation of Human Rights (7th), International Organization for Development of Freedom of Education (8th), Movement Against Racism and for Friendship among Peoples (8th), Pax Christi International (8th), Pax Romana (7th).

389. A statement equivalent to a right of reply was made by the observer for Viet Nam (8th).

390. At the 17th meeting, on 13 August 1993, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1993/L.4, sponsored by Mr. Eide, Mrs. Forero Ucros, Mr. Guissé, Mr. Ramadhane, Mr. Saboia, Mrs. Warzazi and Mr. Yimer. Mrs. Attah, Mr. Maxim and Mr. Sachar subsequently joined the sponsors.

391. The draft resolution was adopted without a vote.

392. For the text as adopted see chapter II, section A, resolution 1993/2.

XV. DISCRIMINATION AGAINST INDIGENOUS PEOPLES

393. The Sub-Commission considered item 14 at its 16th, 33rd and 35th meetings, on 13, 25 and 26 August 1993.

394. The Sub-Commission had before it the following documents in connection with its consideration of the item:

Draft declaration on the rights of indigenous peoples:

Revised working paper submitted by the Chairperson-Rapporteur, Mrs. Erica-Irene Daes, pursuant to Sub-Commission resolution 1992/33 and Commission on Human Rights resolution 1993/31 (E/CN.4/Sub.2/1993/26 and Add. 1);

Study on the protection of the cultural and intellectual property of indigenous peoples, by Mrs. Erica-Irene Daes, Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities and Chairperson of the Working Group on Indigenous Populations (E/CN.4/Sub.2/1993/28);

Report of the Working Group on Indigenous Populations on its eleventh session (E/CN.4/Sub.2/1993/29 and Add.1-2);

Letter dated 24 August 1993 from the Permanent Representative of Peru to the United Nations and other international organizations at Geneva, addressed to the Chairman of the forty-fifth session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/Sub.2/1993/43);

Written statement submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1993/NGO/4);

Written statement submitted by the Commission for the Defense of Human Rights in Central America, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1993/NGO/6);

Written statement submitted by the Indian Law Resource Center, a non-governmental organization on the Roster (E/CN.4/Sub.2/1993/NGO/13);

Written statement submitted by Four Directions Council, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1993/NGO/20);

Written statement submitted by the International Organization of Indigenous Peoples, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1993/NGO/21);

395. At the 16th meeting, on 13 August, Nobel Peace Prize laureate Mrs. Rigoberta Menchú, addressed the Sub-Commission.

396. At the 33rd meeting, on 25 August 1993, Mrs. Erica-Irene Daes, Chairperson-Rapporteur of the Working Group on Indigenous Populations, introduced the report of the Working Group (E/CN.4/Sub.2/1993/29 and Add.1).

397. In the general debate on the item, statements 1/ were made by the following members of the Sub-Commission: Mr. Alfonso Martínez (16th, 33rd), Mrs. Chavez (33rd), Mrs. Daes (16th), Mr. Eide (16th, 33rd), Mr. Guissé (16th), Mr. Joinet (16th), Mrs. Ksentini (16th) and Mr. Saboia (33rd).

398. Statements were made by the observers for Bolivia (33rd), Brazil (33rd), Canada (33rd) and Colombia (33rd).

399. The Sub-Commission also heard statements by representatives of the following non-governmental organizations: France-Libertés: Fondation Danielle Mitterand (33rd), Indian Council of South America (33rd), Indian Law Resource Centre (33rd), Indigenous World Association (33rd), International Federation for the Protection of the Rights of Ethnic, Religious, Linguistic and other Minorities (33rd), International Federation of Human Rights (33rd), International Federation Terre des Hommes (33rd), Latin American Federation of Associations of Relatives of Disappeared Detainees (33rd), National Aboriginal and Islander Legal Service Secretariat (33rd), Nordic Saami Council (33rd).

400. At the 33rd meeting, on 25 August 1993, Mrs. Daes made her concluding remarks.

Draft United Nations declaration on indigenous peoples

401. At the 35th meeting, on 26 August 1993, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1993/L.47, sponsored by Mr. Alfonso Martínez.

402. At the same meeting, Mrs. Daes introduced amendments to draft resolution E/CN.4/Sub.2/1993/L.47 contained in document E/CN.4/Sub.2/1993/L.54, reading as follows:

"Operative paragraph 3:

Insert the following text as new subparagraph (a):

"The draft declaration shall be entitled 'United Nations Declaration on the Rights of Indigenous Peoples'";

Renumber the subparagraphs.

Replace existing subparagraph (d) by the following:

"To adopt the draft United Nations declaration after due consideration, at its forty-sixth session, in 1994, and to submit it to the Commission on Human Rights with the recommendation that the Commission consider and adopt it at its fifty-first session, in 1995.";

"Add the following new paragraph, as operative paragraph 4:

To recommend to the Commission on Human Rights and to the Economic and Social Council to take special measures to enable indigenous peoples to participate fully and effectively, without regard to consultative status, in the consideration of the draft United Nations declaration, as they have contributed to the work of the Working Group."

403. Statements relating to the draft resolution were made by Mr. Alfonso Martínez, Mrs. Daes, Mr. Guissé, Mr. Heller, Mr. Sachar and Mr. Yimer.

404. The Sub-Commission postponed consideration of the draft resolution and the proposed amendments thereto.

405. At the same meeting, the Sub-Commission resumed its consideration of draft resolution E/CN.4/Sub.2/1993/L.47 and the proposed amendments thereto.

406. Mrs. Daes revised the third amendment contained in document L.54 as follows:

(a) The word "adopt" before the words "draft United Nations", was replaced by the word "consider";

(b) The words "if possible" were inserted between the word "and" and the words "to submit it";

(c) At the end of the third amendment the following words were inserted: "on the understanding that the report of the Working Group on its twelfth session will contain a summary of general views expressed by the participants on the draft declaration." This revision to E/CN.4/Sub.2/1993/L.54 by Mrs. Daes was subsequently issued as document E/CN.4/Sub.2/1993/L.54/Rev.1.

407. The amendments and revised amendments were accepted by the sponsor.

408. The draft resolution, as amended, was adopted without a vote.

409. For the text as adopted, see chapter II, section A, resolution 1993/46.

Cultural and intellectual property of indigenous peoples

410. At the 35th meeting, on 26 August 1993, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1993/L.53, sponsored by Mrs. Warzazi.

411. A statement on an estimate of the programme budget implications of implementing the draft resolution was made by a representative of the Secretary-General, in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council.

412. The draft resolution was adopted without a vote.

413. For the text as adopted, see chapter II, section A, resolution 1993/44.

Study on treaties, agreements and other constructive arrangements between States and indigenous populations

414. At the same meeting, the Sub-Commission considered draft decision E/CN.4/Sub.2/1993/L.55, sponsored by Mr. Alfonso Martínez, Mrs. Attah, Mr. Boutkevitch, Mrs. Daes and Mr. Yokota.

415. The draft decision was adopted without a vote.

416. For the text, see chapter II, section B, decision 1993/110.

Discrimination against indigenous peoples

417. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1993/L.56, sponsored by Mrs. Daes.

418. Statements relating to the draft resolution were made by Mr. Alfonso Martínez, Mr. Chernichenko and Mr. Saboia.

419. The draft resolution was adopted without a vote.

420. For the text as adopted, see chapter II, section A, resolution 1993/45.

XVI. CONTEMPORARY FORMS OF SLAVERY

421. The Sub-Commission considered item 15 at its 8th, 9th, 10th, 26th and 33rd meetings, on 6, 9, 10, 20 and 25 August 1993.

422. The Sub-Commission had before it the following documents in connection with its consideration of the item:

Report of the Working Group on Contemporary Forms of Slavery on its eighteenth session (E/CN.4/Sub.2/1993/30);

Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography: Report of the Working Group on Contemporary Forms of Slavery pursuant to paragraph 6 of Sub-Commission resolution 1992/2 (E/CN.4/Sub.2/1993/31 and Add.1);

Note by the Secretary-General pursuant to Sub-Commission resolution 1992/3 (E/CN.4/Sub.2/1993/32);

Note by the Secretary-General pursuant to Sub-Commission resolution 1992/2 (E/CN.4/Sub.2/1993/35);

Preparatory Document submitted by Mrs. Linda Chavez on the question of systematic rape, sexual slavery and slavery-like practices during wartime (E/CN.4/Sub.2/1993/44);

Written statement submitted by International Educational Development Inc., a non-governmental organization on the Roster (E/CN.4/Sub.2/1993/NGO/25).

423. At the 8th meeting, on 6 August 1993, Mr. Maxim, the Chairman-Rapporteur of the Working Group on Contemporary Forms of Slavery, introduced the report of the Working Group (E/CN.4/Sub.2/1993/30).

424. At the 9th meeting, on 9 August 1993, the Special Rapporteur on the sale of children, child prostitution and child pornography, Mr. Vitit Muntarbhorn, made a statement.

425. In the general debate on the item, statements 1/ were made by the following members of the Sub-Commission: Mr. Alfonso Martínez (10th), Mrs. Attah (9th), Mrs. Chavez (8th), Mrs. Daes (10th), Mr. Eide (8th), Mrs. Forero Ucros (10th), Mr. Guissé (8th), Mr. Hakim (10th), Mrs. Ksentini (10th), Mrs. Palley (10th), Mr. Tian Jin (10th), Mrs. Warzazi (9th).

426. Statements were made by the observers for: Brazil (10th), Colombia (10th), Democratic People's Republic of Korea (10th), Republic of Korea (10th).

427. The Sub-Commission also heard statements by the representatives of the following non-governmental organizations: Anti-Slavery International for the Protection of Human Rights (9th), Commission of the Churches on

International Affairs of the World Council of Churches (9th), Human Rights Advocates (8th), International Abolitionist Federation (8th), International Association of Democratic Lawyers (8th), International Association of Educators for World Peace (9th), International Commission of Jurists (8th), International Educational Development (10th), International Fellowship of Reconciliation (9th), International Lesbian and Gay Association (8th), Liberation (9th), World Association for the School as an Instrument of Peace (7th).

428. Statements equivalent to a right to reply were made by the observers for India (10th) and Thailand (9th).

Report of the Working Group on Contemporary Forms of Slavery

429. At its 26th meeting, on 20 August 1993, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1993/L.7, sponsored by Mrs. Chavez, Mr. Eide, Mrs. Ferriol Echevarria, Mr. Hakim, Mrs. Ksentini, Mr. Maxim, Mr. Ramadhane, Mrs. Warzazi and Mr. Yimer. Mr. Guissé, Mr. Khalil and Mr. Joinet subsequently joined the sponsors.

430. Mrs. Ksentini and Mr. Yimer made statements relating to the draft resolution.

431. Mrs. Warzazi withdrew as a sponsor.

432. A statement on an estimate of the programme budget implications of implementing the draft resolution was made by a representative of the Secretary-General, in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council.

433. The draft resolution was adopted without a vote.

434. For the text as adopted, see chapter II, section A, resolution 1993/5.

Slavery and slavery-like practices during wartime

435. At the 26th meeting, on 20 August 1993, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1993/L.12, sponsored by Mrs. Attah, Mr. Bossuyt, Mr. Boutkevitch, Mrs. Chavez, Mrs. Daes, Mr. Eide, Mrs. Forero Ucros, Mr. Hatano, Mr. Hakim, Mr. Heller, Mrs. Ksentini, Mr. Maxim, Mrs. Palley and Mrs. Warzazi.

436. Mrs. Daes, on behalf of the sponsors, informed the Sub-Commission that a revision to the draft resolution would be issued.

437. The Sub-Commission decided to postpone consideration of draft resolution E/CN.4/Sub.2/1993/L.12.

438. At the 33rd meeting, on 25 August 1993, the Sub-Commission considered a revised draft resolution (E/CN.4/Sub.2/1993/L.12/Rev.1) sponsored by Mrs. Attah, Mr. Bossuyt, Mr. Boutkevitch, Mrs. Daes, Mr. Eide, Mr. Hatano, Mrs. Ksentini, Mrs. Palley, Mrs. Warzazi and Mr. Yimer. Mr. Maxim subsequently joined the sponsors.

439. The revised draft resolution contained the following revisions:

(a) In the second preambular paragraph, after the words "abuse of women and children" the words "and 1993/46 of 8 March 1993, in which the Commission condemned all acts of violence and violations of human rights directed specifically against women, including those in situations of armed conflict" were added;

(b) In operative paragraphs 1 and 4, the words "appoint a Special Rapporteur from among the members of the Sub-Commission to undertake" were replaced by the words "entrust Mrs. Linda Chavez, as Special Rapporteur, with the task of undertaking";

(c) A new paragraph was inserted as operative paragraph 2 and the remaining paragraphs were renumbered;

(d) A new paragraph was added as operative paragraph 6.

440. Mrs. Daes orally revised the draft resolution by inserting in operative paragraphs 1, 4 and 5 the word "armed" between the words "internal" and "conflict".

441. Mr. Alfonso Martínez proposed amending the draft resolution by inserting in operative paragraphs 1, 4 and 5 the words "in particular" after the word "including".

442. The amendment was accepted by the sponsors.

443. Statements in connection with the draft resolution and the amendments thereto were made by Mr. Alfonso Martínez, Mrs. Chavez, Mrs. Daes, Mr. Despouy, Mr. Guissé, Mr. Tian Jin and Mr. Yimer.

444. A statement on an estimate of the programme budget implications of implementing the draft resolution was made by a representative of the Secretary-General, in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council.

445. The draft resolution, as revised and amended, was adopted without a vote.

446. For the text as adopted, see chapter II, section A, resolution 1993/24.

Additional assistance in studying ways and means of resolving problems arising from the former institution of slavery

447. At the 26th meeting, on 20 August 1993, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1993/L.13, sponsored by Mrs. Chavez, Mr. Guissé, Mrs. Palley and Mrs. Warzazi. Mrs. Attah and Mr. Maxim subsequently joined the sponsors.

448. The draft resolution was adopted without a vote.

449. For the text of the resolution, see chapter II, section A, resolution 1993/6.

Working Group on Contemporary Forms of Slavery

450. At the same meeting the Sub-Commission considered draft resolution E/CN.4/Sub.2/1993/L.14, sponsored by Mr. Boutkevitch, Mrs. Chavez, Mr. Chernichenko, Mr. Hakim, Mr. Joinet, Mrs. Ksentini, Mr. Maxim, Mrs. Palley, Mr. Ramadhane, Mr. Sachar, Mrs. Warzazi and Mr. Yimer. Mr. Guissé subsequently joined the sponsors.

451. The draft resolution was adopted without a vote.

452. For the text of the resolution, see chapter II, section A, resolution 1993/7.

XVII. PROMOTION, PROTECTION AND RESTORATION OF HUMAN RIGHTS AT NATIONAL, REGIONAL AND INTERNATIONAL LEVELS

(a) Prevention of discrimination and protection of children: human rights and youth

(b) Prevention of discrimination and protection of women

453. The Sub-Commission considered item 16 at its 8th to 10th meetings, on 6, 9 and 10 August 1993.

454. In connection with it consideration of the item, the Sub-Commission had before it the note by the Secretary-General prepared pursuant to Sub-Commission resolution 1992/4 (E/CN.4/Sub.2/1993/33).

455. In the general debate on the item, statements 1/ were made by the following members of the Sub-Commission: Mr. Alfonso Martínez (10th), Mr. Boutkevitch (9th), Mrs. Daes (10th), Mr. Guissé (8th, 9th), Mr. Hakim (10th), Mrs. Ksentini (10th), Mrs. Mbonu (9th), Mrs. Palley (10th) Mr. Tian Jin (10th).

456. The observer for Colombia made a statement (10th).

457. The Sub-Commission also heard statements by the representatives of the following non-governmental organizations: Commission of the Churches on International Affairs of the World Council of Churches (9th), Indigenous World Association (10th), International Abolitionist Federation (9th), International Association of Democratic Lawyers (8th), International Association of Education for World Peace (9th), International Educational Development (10th), International Federation Terre des Hommes (9th), International League for the Rights and Liberation of Peoples (10th), International Movement against All Forms of Discrimination and Racism (9th), International Work Group for Indigenous Affairs (9th), World Organization against Torture (8th).

XVIII. PROTECTION OF MINORITIES

458. The Sub-Commission considered item 17 at its 29th, 34th and 35th meetings, held on 23 and 26 August 1993.

459. The Sub-Commission had before it the following documents in connection with its consideration of the item:

Possible ways and means of facilitating the peaceful and constructive solution of problems involving minorities: report submitted by Mr. Asbjørn Eide (E/CN.4/Sub.2/1993/34 and Add.1-4);

Written statement submitted by the Inter-Parliamentary Union, a non-governmental organization in consultative status (category I) (E/CN.4/Sub.2/1993/NGO/7);

Written statement submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1993/NGO/12).

Written statement submitted by the International Fellowship of Reconciliation, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1993/NGO/27);

Written statement submitted by the International Fellowship of Reconciliation, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1993/NGO/29).

460. At the 29th meeting, on 23 August 1993, the Special Rapporteur, Mr. Eide, introduced his final report (E/CN.4/Sub.2/1992/34 and Add.1-4).

461. Mr. Maxim and Mrs. Palley, in their function as commentators in accordance with Guideline No. 5 adopted by the Sub-Commission at its forty-fourth session (resolution 1992/8, annex), made their observations.

462. In the general debate on the item, statements 1/ were made by the following members of the Sub-Commission: Mr. Alfonso Martínez (29th), Mrs. Attah (29th), Mrs. Chavez (29th), Mrs. Forero Ucros (29th), Mr. Guissé (29th), Mrs. Warzazi (29th), Mr. Yimer (29th).

463. The Sub-Commission also heard statements by representatives of the following non-governmental organizations: Human Rights Advocates (29th), International Association of Educators for World Peace (29th), International Council of Jewish Women (29th), International Educational Development (29th), International Federation for the Protection of the Rights of Ethnic, Religious, Linguistic and Other Minorities (29th), International League for the Rights and Liberation of Peoples (29th), International Movement against All Forms of Discrimination and Racism (29th), Minority Rights Group (29th), Pax Christi International (29th).

464. Statements equivalent to a right of reply were made by the observers for Cyprus (29th), Morocco (29th) and Turkey (29th).

465. Also at the 29th meeting, on 23 August 1993, the Special Rapporteur made his concluding remarks.

466. At its 34th meeting, on 26 August 1993, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1993/L.9 sponsored by Mrs. Attah, Mr. Boutkevitch, Mrs. Chavez, Mr. Chernichenko, Mrs. Daes, Mr. Despouy, Mr. Eide, Mrs. Forero Ucros, Mr. Guissé, Mr. Hakim, Mr. Hatano, Mr. Heller, Mr. Joinet, Mr. Khalifa, Mrs. Ksentini, Mr. Maxim, Mrs. Palley, Mr. Ramadhane, Mrs. Warzazi and Mr. Yimer.

467. Mrs. Daes revised the draft resolution by replacing in the fourth preambular paragraph and in operative paragraphs 1 and 2 the words "national minorities" by the words "national or ethnic minorities".

468. Mr. Alfonso Martínez proposed amending the draft resolution by inserting, in operative paragraph 2, the word "humanitarian" between the word "international" and the word "law".

469. The amendment was accepted by the sponsors.

470. Draft resolution E/CN.4/Sub.2/1993/L.9, as revised and amended, was adopted without a vote.

471. For the text as adopted, see chapter II, section A, resolution 1992/42.

472. At its 35th meeting, on 26 August 1993, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1993/L.39, sponsored by Mrs. Attah, Mr. Bossuyt, Mr. Boutkevitch, Mrs. Chavez, Mr. Chernichenko, Mrs. Daes, Mr. Despouy, Mrs. Forero Ucros, Mr. Guissé, Mr. Hakim, Mr. Ramadhane, Mr. Saboia, Mr. Sachar, Mr. Yimer and Mr. Yokota.

473. Statements with regard to the draft resolution were made by Mr. Alfonso Martínez and Mrs. Daes.

474. Mr. Alfonso Martínez proposed amending the draft resolution by adding a new paragraph as the last preambular paragraph.

475. The proposed amendment was accepted by the sponsors.

476. The draft resolution was adopted without a vote.

477. For the text as adopted, see chapter II, section A, resolution 1993/43.

478. At the same meeting, Mr. Eide made a statement concerning his report and the resolution adopted.

XIX. FREEDOM OF MOVEMENT

479. The Sub-Commission considered agenda item 18 at its 14th to 17th and 27th meetings, on 12, 13 and 20 August 1993.

480. The Sub-Commission had before it in connection with its consideration of the item a written statement submitted by International Educational Development, a non-governmental organization on the Roster (E/CN.4/Sub.2/1993/NGO/23)

481. At its 15th meeting, on 12 August 1993, Mr. Hatano, Special Rapporteur on the human rights dimensions of population transfer, including the implantation of settlers, introduced the preliminary report on the subject (E/CN.4/Sub.2/1993/17 and Corr.1), submitted under agenda item 8, by Mr. Al-Khasawneh and himself.

482. In the general debate on the item, statements were made by the following members of the Sub-Commission: Mr. Bossuyt (15th), Mr. Chernichenko (17th), Mr. Eide (15th), Mr. Guissé (14th), Mrs. Forero Ucros (15th), Mr. Ramadhane (15th), Mr. Sachar (16th).

483. The Sub-Commission also heard statements by the representatives of the following non-governmental organizations: Amnesty International (14th), Centre Europe-Tiers Monde (15th), International Commission of Jurists (15th), International Federation of Human Rights (14th), International Lesbian and Gay Association (15th).

484. At the 27th meeting, on 20 August 1993, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1993/L.25, sponsored by Mr. Alfonso Martínez, Mrs. Attah, Mr. Bossuyt, Mr. Boutkevitch, Mrs. Chavez, Mr. Despouy, Mr. Eide, Mr. Guissé, Mr. Hatano, Mr. Hakim, Mr. Heller, Mr. Joinet, Mr. Khalil, Mrs. Ksentini, Mr. Maxim, Mr. Merrills, Mr. Ramadhane, Mr. Saboia, Mr. Sachar, Mr. Tian Jin, Mrs. Warzazi and Mr. Yimer. Mrs. Forero Ucros subsequently joined the sponsors.

485. Mr. Guissé revised the seventh preambular paragraph by replacing the word "change" by the words "fight effectively against". The draft resolution as revised, was adopted without a vote.

486. For the text of the resolution, see chapter II, section A, resolution 1993/21.

XX. IMPLICATIONS OF HUMANITARIAN ACTIVITIES FOR THE ENJOYMENT OF HUMAN RIGHTS

487. The Sub-Commission considered item 19 at its 23rd to 27th, 33rd and 34th meetings on 18 to 20, 25 and 26 August 1993.

488. The Sub-Commission had before it the following document in connection with its consideration of the item:

> Preparatory document submitted by Mrs. Claire Palley on the question of the role of the United Nations in international humanitarian activities and assistance and human rights enforcement, bearing in mind the principle of non-interference (E/CN.4/Sub.2/1993/39).

489. The Sub-Commission heard statements by the representatives of the following non-governmental organizations: American Association of Jurists (23rd), Centre Europe Tiers-Monde (25th), International Association against Torture (25th), International Educational Development (27th), International Indian Treaty Council (23rd), International League for the Rights and Liberation of Peoples (23rd), Movement against Racism and for Friendship among Peoples (25th), National Aboriginal and Islander Legal Service Secretariat (25th).

490. At the 33rd meeting, on 25 August 1993, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1993/L.36, sponsored by Mrs. Daes, Mr. Eide, Mrs. Warzazi and Mr. Yimer. Mr. Joinet subsequently joined the sponsors.

491. Mrs. Palley, proposed the following amendments to the draft resolution:

(a) Replace the title of the draft resolution by the following:

"Question of the possible role of the United Nations in activities for the promotion and protection of human rights, in international humanitarian activities and in assistance in relation to the principle of non-intervention";

(b) Insert after the third preambular paragraph, a new preambular paragraph: "Considering that all Member States have the duty to respect and to promote respect for the basic principles of international law enshrined in Article 2 of the Charter", and renumber the paragraphs accordingly;

(c) Insert, after the sixth preambular paragraph, a new preambular paragraph: "Concerned at the possible undertaking of coercive action including the use of military force, for the purpose of promoting, protecting or re-establishing human rights";

(d) Insert, after the seventh preambular paragraph, a new preambular paragraph: "Taking into account the functions and power established in the Charter for the principal organs of the United Nations, in particular those related to the promotion of universal respect for and observance of human rights and fundamental freedoms for all in chapter IX in the Charter";

(e) Insert, in operative paragraph 3, the word "so-called" before the word "international";

(f) Replace operative paragraph 4 by a new paragraph reading as follows: "Decides to request the Commission on Human Rights to appoint Mrs. Claire Palley as Special Rapporteur on the question of the possible role of the United Nations in so-called international humanitarian activities and assistance and other principles of general international law ensnrined in the Charter of the United Nations in relation to the principle of non-intervention";

(g) Replace operative paragraph 5, by a new operative paragraph, reading as follows: "Requests the Special Rapporteur to submit a preliminary report to the Sub-Commission at its forty-sixth session, a progress report at its forty-seventh and her final report, if possible, to the Sub-Commission at its forty-eighth session";

(h) Replace the text of the draft decision in operative paragraph 7 by the following text: "The Commission on Human Rights, taking note of resolution 1993/... of .. August 1993 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, endorses the Sub-Commission's request to appoint Mrs. Claire Palley as Special Rapporteur on the question of the possible role of the United Nations in so-called international humanitarian activities and assistance in relation to the principle of non-intervention, further endorses the Sub-Commission's request to the Secretary-General to provide the Special Rapporteur with all necessary assistance, including the resources required, to complete her study and requests the Economic and Social Council to adopt the following decision:

The Economic and Social Council endorses Commission on Human Rights resolution 1994/... and decides to appoint Mrs. Claire Palley as Special Rapporteur on the question of the possible role of the United Nations in so-called international humanitarian activities and assistance in relation to the principle of non-intervention, further endorses the Sub-Commission's request to the Secretary-General to provide the Special Rapporteur with all necessary assistance, including the resources required, to complete her study."

492. Mr. Joinet, before joining the sponsors, proposed amending the draft resolution by inserting, after operative paragraph 4, a new operative paragraph.

493. The amendment proposed by Mr. Joinet was accepted by the sponsors.

494. Statements relating to the revised draft resolution and the amendments thereto were made by Mr. Alfonso Martínez, Mr Bossuyt, Mrs. Daes and Mr. Heller.

495. The Sub-Commission decided to postpone consideration of draft resolution E/CN.4/Sub.2/1993/L.36.

496. At its 34th meeting, on 26 August 1993, the Sub-Commission resumed consideration of draft resolution E/CN.4/Sub.2/1993/L.36.

497. Mrs. Palley, proposed the following new amendments to draft resolution E/CN.4/Sub.2/1993/L.36 in place of those she had proposed at the 33rd meeting:

(a) To replace the title of the draft resolution by a new title;

(b) To add new wording at the end of the third preambular paragraph after the words "humanitarian activities";

(c) To insert a new fourth preambular paragraph;

(d) To reword the fifth (new sixth) preambular paragraph;

(e) To replace the sixth preambular paragraph by a new (seventh) preambular paragraph;

(f) To insert a new ninth preambular paragraph;

(g) To delete operative paragraph 3;

(h) To replace old operative paragraph 4 by a new operative paragraph 3;

(i) To replace old operative paragraph 5 by a new operative paragraph 4;

(j) To insert a new paragraph as new operative paragraph 5;

(k) To replace operative paragraph 7 by a new operative paragraph.

498. Mr. Sachar proposed the following amendment:

To insert, in the new seventh preambular paragraph, the words "claim for" before the words "possible utilization" and to delete in the same paragraph the words "is in a process of evolution and would benefit from".

499. Mrs. Palley proposed the following further amendment:

To replace, in the seventh preambular paragraph, the word "possible" by the words "the possibility of".

500. The amendments proposed by Mrs. Palley were accepted by the sponsors.

501. Mrs. Forero Ucros proposed replacing, in the new ninth preambular paragraph, the word "power" by the word "competence".

502. This amendment was accepted by the sponsors.

503. Mrs. Ksentini proposed the following amendments to the text:

(a) Delete, in the seventh preambular paragraph, the words "is in a process of evolution";

(b) Delete, in new operative paragraph 3 the words "and the need to further develop international cooperation in the humanitarian field and the promotion and protection of human rights".

504. Statements relating to the draft resolution and the proposed amendments thereto were made by Mr. Alfonso Martínez, Mr. Bossuyt, Mrs. Chavez, Mr. Chernichenko, Mr. Eide, Mrs. Forero Ucros, Mr. Guissé, Mr. Joinet, Mr. Khalil, Mrs. Ksentini, Mr. Saboia, Mr. Sachar, Mr. Tian Jin and Mrs. Warzazi.

505. A statement on an estimate of the programme budget implications of implementing the draft resolution was made by a representative of the Secretary-General, in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council.

506. At the same meeting, Mrs. Ksentini moved, under rule 65, paragraph 2 of the rules of procedure of the functional commissions of the Economic and Social Council, not to take a decision on draft resolution E/CN.3/Sub.2/1993/L.36.

507. The motion that the Sub-Commission take no decision on the draft resolution was rejected by 10 votes to 6, with 5 abstentions.

508. At the request of Mrs. Ksentini, the Sub-Commission voted on the amendments she had proposed. The proposed amendments were rejected by 12 votes to none, to 4, with 6 abstentions.

509. At the request of Mrs. Ksentini, the Sub-Commission then voted on draft resolution E/CN.4/Sub.2/1993/L.36, as amended. The resolution was adopted by 14 votes, with 7 abstentions.

510. For the text as adopted see chapter II, section A, resolution 1993/38.

511. Explanations of vote after the vote were made by Mr. Alfonso Martínez, Mr. Chernichenko, Mr. Despouy, Mr. Hakim, Mr. Joinet, Mr. Khalil, Mrs. Ksentini, Mrs. Mbonu, Mr. Saboia, Mr. Sachar, Mr. Tian Jin and Mrs. Warzazi.

XXI. CONSIDERATION OF THE FUTURE WORK OF THE SUB-COMMISSION AND OF THE DRAFT PROVISIONAL AGENDA FOR THE FORTY-SIXTH SESSION OF THE SUB-COMMISSION

512. The Sub-Commission considered agenda item 20 at its 36th meeting, held on 27 August 1993.

513. In connection with the consideration of this item, the Sub-Commission had before it a note prepared by the Secretary-General in accordance with paragraph 3 of Economic and Social Council resolution 1894 (LVII) of 1 August 1974 (E/CN.4/Sub.2/1993/L.1), containing a draft provisional agenda for the forty-sixth session of the Sub-Commission, a list of the documents to be submitted under each item and the legislative authority for their preparation.

514. The Sub-Commission recalled its resolutions 1985/34 and 1989/1, in which it decided that the following items would be considered on a biennial basis, starting at its thirty-ninth session for the items:

(a) Elimination of all forms of intolerance and of discrimination based on religion or belief;

(b) International peace and security as an essential condition for the enjoyment of human rights, above all the right to life;

and at its fortieth session for the items:

(a) Human rights and scientific and technological developments;

(b) Encouragement of universal acceptance of human rights instruments.

515. The Sub-Commission took note of the draft provisional agenda (E/CN.4/Sub.2/1992/L.1).

516. The text of the draft provisional agenda for the forty-sixth session of the Sub-Commission reads as follows:

1. Election of officers.

2. Adoption of the agenda.

3. Review of the work of the Sub-Commission.

   Legislative authority: Commission on Human Rights resolution 1993/28 and Sub-Commission resolution 5 (XIV), 1992/8 and 1993/4 and decision 2 (XXXIV).

4. Review of further developments in fields with which the Sub-Commission has been concerned.

   Legislative authority: Sub-Commission resolutions 1993/29, 1993/30, 1993/31, 1993/32, 1993/33 and 1993/37.

Documentation:

(a) Report of the Secretary-General (para. 6 of resolution 1993/29);

(b) Report by the Special Rapporteur (para. 3 of resolution 1993/30);

(c) Report of the Secretary-General (para. 7 of resolution 1993/31);

(d) Final report by the Special Rapporteur (para. 4 of resolution 1993/32);

(e) Report by the Special Rapporteur (para. 2 of resolution 1993/33);

(f) Report by the two Special Rapporteurs (para. 2 of resolution 1993/37).

5. Elimination of racial discrimination:

(a) Measures to combat racism and racial discrimination and the role of the Sub-Commission;

(b) Monitoring the transition to democracy in South Africa.

Legislative authority: Sub-Commission resolutions 1993/1 and 1993/3.

Documentation:

(a) Second report by the Special Rapporteur (para. 5 of resolution 1993/1);

(b) Report of the Secretary-General (para. 5 of resolution 1993/3);

6. Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of apartheid, in all countries, with particular reference to colonial and other dependent countries and territories: report of the Sub-Commission under Commission on Human Rights resolution 8 (XXIII).

Legislative authority: Sub-Commission resolutions 1993/10, 1993/12, 1993/14, 1993/15, 1993/18 and 1993/20.

Documentation:

(a) Note by the Secretary-General (para. 5 of resolution 1993/12);

(b) Note by the Secretary-General (para. 8 of resolution 1993/14);

(c) Note by the Secretary-General (para. 8 of resolution 1993/15);

7. The new international economic order and the promotion of human rights:

(a) The role and equal participation of women in development.

Legislative authority: Sub-Commission resolutions 1987/26, 1989/1.

Documentation:

Report of the Commission on the Status of Women (resolution 1987/26).

Report of the Committee on the Elimination of Discrimination against Women (resolution 1987/26).

8. The realization of economic, social and cultural rights.

Legislative authority: Sub-Commission resolutions 1993/34, 1993/35, 1993/36, 1993/40 and 1993/41.

Documentation:

(a) Progress report by the Special Rapporteur (para. 4 of resolution 1993/34);

(b) Interim report by the Special Rapporteur (para. 4 of resolution 1993/35);

(c) Second progress report by the Special Rapporteur (para. 5 of resolution 1993/36);

(d) Preparatory document by Mr. Eide (para. 3 of resolution 1993/40);

9. Communications concerning human rights: report of the Working Group established under Sub-Commission resolution 2 (XXIV) in accordance with Economic and Social Council resolution 1503 (XLVIII).

Legislative authority: Economic and Social Council resolution 1503 (XLVIII) and Sub-Commission resolutions 1 (XXIV) and 2 (XXIV).

Documentation:

Confidential report of the Working Group and supporting papers.

10. The administration of justice and the human rights of detainees:

(a) Question of human rights and states of emergency.

Legislative authority: Sub-Commission resolution 1993/28.

Documentation:

Annual report and list updated by the Special Rapporteur (para. 6 of resolution 1993/28).

(b) Individualization of prosecution and penalties, and repercussions of violations of human rights on families.

Legislative authority: Commission on Human Rights resolution 26 (XXXVI).

(c) The right to a fair trial.

Legislative authority: Sub-Commission resolution 1993/26.

Documentation:

Final report by the two Special Rapporteurs (para. 3 of resolution 1993/26).

(d) Application of international standards concerning the human rights of detained juveniles.

Legislative authority: Sub-Commission resolution 1993/27.

Documentation:

Report by the Secretary-General (para. 4 of resolution 1993/27).

11. Independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers.

Legislative authority: Sub-Commission resolution 1993/39.

12. Human rights and scientific and technological developments.

Legislative authority: Commission on Human Rights resolution 1993/91 and Sub-Commission decision 1992/104.

13. Encouragement of universal acceptance of human rights instruments.

Legislative authority: Sub-Commission resolution 1992/1.

Documentation:

(a) Note by the Secretary-General (para. 7);

(b) Report by a member of the Sub-Commission (para. 8).

14. International peace and security as an essential condition for the enjoyment of human rights, above all the right to life.

Legislative authority: Sub-Commission resolution 1992/7.

Documentation:

Supplement to the working paper submitted by Mr. M.C. Bhandare (para. 4).

15. Discrimination against indigenous peoples.

Legislative authority: Economic and Social Council resolutions 1982/34 and 1989/77 and Sub-Commission resolutions 1989/38, 1993/44 and 1993/46 and decisions 1992/110 and 1993/110.

Documentation:

(a) Preliminary report by the Special Rapporteur (para. 4 of resolution 1993/44);

(b) Report of the Secretary-General (para. 3 of resolution 1993/46);

(c) Second progress report by the Special Rapporteur (decision 1993/110).

16. Contemporary forms of slavery.

Legislative authority: Economic and Social Council decisions 16 and 17 (LVI) and Sub-Commission resolutions 1989/41, 1993/5, 1993/7 and 1993/24.

Documentation:

(a) Report of the Working Group (resolution 1993/5);

(b) Report by the Special Rapporteur (para. 13 of resolution 1993/5);

(c) Preliminary report of the Special Rapporteur (para. 2 of resolution 1993/24).

17. Promotion, protection and restoration of human rights at national, regional and international levels:

(a) Prevention of discrimination and protection of children: human rights and youth;

(b) Prevention of discrimination and protection of women;

(c) Human rights and disability.

Legislative authority: Commission on Human Rights resolution 1985/13 and Sub-Commission resolution 1993/22.

Documentation:

Report of the Secretary-General (para. 2 of resolution 1992/22).

18. Protection of minorities.

Legislative authority: Sub-Commission resolutions 1989/44 and 1993/43.

Documentation:

Working paper by Mr. Eide (para. 14 of resolution 1993/43).

19. Freedom of movement:

(a) Situation of migrant workers and members of their families.

Legislative authority: Sub-Commission resolution 1993/21.

20. Implications of humanitarian activities for the enjoyment of human rights.

Legislative authority: Sub-Commission resolution 1993/38.

Documentation:

Preliminary report by the Special Rapporteur (para. 4).

21. Consideration of the future work of the Sub-Commission and of the draft provisional agenda for the forty-seventh session of the Sub-Commission.

22. Adoption of the report of the forty-sixth session.

XXII. ADOPTION OF THE REPORT ON THE FORTY-FIFTH SESSION

517. At the 36th meeting, on 27 August 1993, the Sub-Commission considered the draft report on the work of its forty-fifth session.

518. At the same meeting, the Sub-Commission adopted the draft report and decided to entrust the Rapporteur with its finalization.

Annex I

AGENDA

1. Election of officers.

2. Adoption of the agenda.

3. Review of the work of the Sub-Commission.

4. Review of further developments in fields with which the Sub-Commission has been concerned.

5. Elimination of racial discrimination:

   (a) Measures to combat racism and racial discrimination and the role of the Sub-Commission;

   (b) Monitoring the transition to democracy in South Africa.

6. Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of apartheid, in all countries, with particular reference to colonial and other dependent countries and territories: report of the Sub-Commission under Commission on Human Rights resolution 8 (XXIII).

7. The new international economic order and the promotion of human rights:

   (a) The role and equal participation of women in development.

8. The realization of economic, social and cultural rights.

9. Communications concerning human rights: report of the Working Group established under Sub-Commission resolution 2 (XXIV) in accordance with Economic and Social Council resolution 1503 (XLVIII).

10. The administration of justice and the human rights of detainees:

   (a) Question of the human rights of persons subjected to any form of detention or imprisonment;

   (b) Question of human rights and states of emergency;

   (c) Individualization of prosecution and penalties, and repercussions of violations of human rights on families;

   (d) The right to a fair trial.

11. Independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers.

12. Human rights and disability.

13. Elimination of all forms of intolerance and of discrimination based on religion and belief.

14. Discrimination against indigenous peoples.

15. Contemporary forms of slavery.

16. Promotion, protection and restoration of human rights at national, regional and international levels:

    (a) Prevention of discrimination and protection of children: human rights and youth;

    (b) Prevention of discrimination and protection of women.

17. Protection of minorities.

18. Freedom of movement.

19. Implications of humanitarian activities for the enjoyment of human rights.

20. Consideration of the future work of the Sub-Commission and of the draft provisional agenda for the forty-sixth session of the Sub-Commission.

21. Adoption of the report on the forty-fifth session.

Annex II

ATTENDANCE

Members and Alternates

Name	Country of nationality	Term expires in**
Mr. Miguel Alfonso Martínez *Ms. Marianela Ferriol Echevarría	(Cuba)	1996
Mr. Awn Shawkat Al-Khasawneh *Mr. Waleed M. Sadi	(Jordan)	1994
Mrs. Judith Sefi Attah *Mrs. Christy Ezim Mbonu	(Nigeria)	1994
Mr. Marc Bossuyt *Mr. Guy Genot	(Belgium)	1996
Mr. Volodymyr Boutkevitch *Mr. Olexandre Kouptchichine	(Ukraine)	1996
Mrs. Linda Chavez	(United States of America)	1996
Mr. Stanislav V. Chernichenko *Mr. Teimuraz O. Ramishvili	(Russian Federation)	1994
Mrs. Erica-Irene A. Daes	(Greece)	1994
Mr. Leandro Despouy *Mr. Juan Carlos Hitters	(Argentina)	1994
Mr. Asbjørn Eide *Mr. Jan Helgesen	(Norway)	1996
Mrs. Clemencia Forero Ucros *Mr. Jorge Orlando Melo	(Colombia)	1996
Mr. El Hadji Guissé *Mr. Ndary Toure	(Senegal)	1994

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* Alternate

** Term of office expires upon election of members of the Sub-Commission at the fiftieth (1994) or fifty-second (1996) session of the Commission on Human Rights.

Name	Country of nationality	Term expires in**
Mr. Maksum-Ul-Hakim *Mr. Tofazzal Hossain Khan	(Bangladesh)	1996
Mr. Ribot Hatano *Mr. Yozo Yokota	(Japan)	1996
Mr. Claude Heller *Mr. Héctor Fix Zamudio	(Mexico)	1994
Mr. Louis Joinet *Mr. Alain Pellet	(France)	1994
Mr. Ahmed Khalifa *Mr. Ahmed Khalil	(Egypt)	1996
Mrs. Fatma Zohra Ksentini *Ms. Farida Aiouaze	(Algeria)	1994
Mr. Ioan Maxim *Mr. Petru Pavel Gavrilescu	(Romania)	1996
Mrs. Claire Palley *Mr. John Merrills	(United Kingdom of Great Britain and Northern Ireland)	1994
Mr. Said Naceur Ramadhane *Mr. Abdelfettah Amor	(Tunisia)	1996
Mr. Gilberto Vergne Saboia *Ms. Marílla S. Zelner Gonçalves	(Brazil)	1994
Mr. Rajindar Sachar	(India)	1994
Mr. Tian Jin	(China)	1994
Mrs. Halima Embarek Warzazi *Mr. Mohamed Benkaddour	(Morocco)	1996
Mr. Fisseha Yimer	(Ethiopia)	1996

States Members of the United Nations represented by observers

Albania, Argentina, Armenia, Australia, Austria, Bahrain, Bangladesh, Belgium, Bhutan, Brazil, Bolivia, Bulgaria, Cameroon, Canada, Chile, China, Colombia, Costa Rica, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Dominica, Egypt, El Salvador, Equatorial Guinea, Estonia, Ethiopia, Finland, France, Germany, Greece, Guatemala, Haiti, Honduras, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Israel, Italy, Japan, Kenya, Kuwait, Latvia, Lebanon, Lithuania, Malaysia, Mauritania, Mexico, Morocco, Myanmar, Nepal, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Oman, Pakistan, Peru, Philippines, Poland, Portugal, Republic of Korea, Romania, Russian Federation, Slovak Republic, Somalia, Sri Lanka, Sudan, Sweden, Syrian Arab Republic, Thailand, the former Yugoslav Republic of Macedonia, Tunisia, Turkey, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Ukraine, Uruguay, Venezuela, Viet Nam, Zimbabwe.

Non-member States represented by observers

Holy See, Switzerland.

United Nations

United Nations Compensation Commission, United Nations Office at Vienna, United Nations Development Programme, United Nations Population Fund, United Nations High Commissioner for Refugees.

Specialized agencies

International Labour Organisation, United Nations Educational, Scientific and Cultural Organization, World Health Organization, International Monetary Fund.

Intergovernmental organizations

Agence de Cooperation Culturelle et Technique, Commission of the European Communities, Commonwealth Secretariat, International Organization for Migration, League of Arab States, Organisation for Economic Co-operation and Development, Organization of African Unity, Organisation of the Islamic Conference.

National liberation movements

African National Congress, Palestine, Pan Africanist Congress of Azania.

Other organizations

International Committee of the Red Cross.

Non-governmental organizations

Category I

International Alliance of Women, International Confederation of Free Trade Unions, International Council of Women, International Council on Social Welfare, International Movement ATD Fourth World, International Youth and Student Movement for the United Nations, Inter-Parliamentary Union, Soroptimist International, World Confederation of Labour, World Federation of Trade Unions, World Federation of United Nations Associations, World Muslim Congress, Zonta International.

Category II

African Association of Education for Development, Afro-Asian People's Solidarity Organization, All India Women's Conference, American Association of Jurists, Amnesty International, Andean Commission of Jurists, Anti-Slavery International for the Protection of Human Rights, Arab Lawyers Union, Arab Organization for Human Rights, Baha'i International Community, Caritas Internationalis, Commission of the Churches on International Affairs of the World Council of Churches, Consultative Council of Jewish Organisations, Coordinating Board of Jewish Organisations, Defence for Children International, Disabled Peoples' International, France-Libertés - Fondation Danielle Mitterand, Friends World Committee for Consultation, Global Education Associates, Human Rights Advocates, Human Rights Internet, Indigenous World Association, International Abolitionist Federation, International Association against Torture, International Association for the Defence of Religious Liberty, International Association of Democratic Lawyers, International Association of Educators for World Peace, International Association of Penal Law, International Catholic Child Bureau, International Centre of Sociological, Penal and Penitentiary Research and Studies, International Commission of Jurists, International Council of Environmental Law, International Council of Jewish Women, International Federation of Human Rights, International Federation of Social Workers, International Federation of Women in Legal Careers, International Federation Terre des Hommes, International Fellowship of Reconciliation, International Indian Treaty Council, International Institute of Humanitarian Law, International League for Human Rights, International League for the Rights and Liberation of Peoples, International Organization for the Development of Freedom of Education, International Organisation for the Elimination of all Forms of Racial Discrimination, International Organization of Indigenous Resource Development, International Service for Human Rights, International Union of Latin Notariat, International Union of Lawyers, International Work Group for Indigenous Affairs, Latin American Federation of Associations of Relatives of Disappeared Detainees, Law Association for Asia and the Pacific, National Aboriginal and Islander Legal Service Secretariat, National Council of German Women's Organizations, Oxfam, Pax Christi International, Pax Romana, Robert F. Kennedy Memorial Center for Human Rights, Service Peace and Justice in Latin America, Sierra Club Legal Defense Fund, Inc., Union of Arab Jurists, Women's International League for Peace and Freedom, Women's International Zionist Organization, World Alliance of Young Men's Christian Associations,

World Conference on Religion and Peace, World Federation for Mental Health, World Federation of Methodist Women, World Jewish Congress, World Society of Victimology, World Student Christian Federation, World University Service.

Roster

Article XIX: The International Centre Against Censorship, Centre Europe - Tiers Monde, Christian Solidarity International, Habitat International Coalition, Humanitarian Law Project, Indian Council of South America, Indian Law Resource Centre, International Educational Development Inc., International Falcon Movement - Socialist Educational International, International Federation Action of Christians for the Abolition of Torture, International Federation for the Protection of the Rights of Ethnic, Religious, Linguistic and Other Minorities, International Humanist and Ethical Union, International Human Rights Internship Program, International Lesbian and Gay Association, International Movement against all Forms of Discrimination and Racism, International Peace Bureau, International P.E.N., International Progress Organization, International Theater Institute, Liberation, Minority Rights Group, Movement against Racism and for Friendship among Peoples, Saami Council, Planetary Citizens, Survival for Tribal Peoples, Third World Movement against the Exploitation of Women, World Association for the School as an Instrument of Peace, World Organization against Torture.

Annex III

ADMINISTRATIVE AND PROGRAMME BUDGET IMPLICATIONS OF RESOLUTIONS AND DECISIONS ADOPTED BY THE SUB-COMMISSION AT ITS FORTY-FIFTH SESSION

1. Statement on estimates of the programme budget implications for perennial activities resulting from mandates of the Economic and Social Council were not submitted, since provisions for such activities are included in the proposed programme budget for 1994-1995 (A/48/6).

2. In all other cases, a statement on an estimate of the programme budget implications of implementing the draft resolution was made by a representative of the Secretary-General, in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council.

Annex IV

SUB-COMMISSION RESOLUTIONS REFERRING TO MATTERS WHICH ARE DRAWN TO THE COMMISSION'S ATTENTION

1993/2
Elimination of all forms of intolerance and of discrimination based on religion and belief, paragraphs 4 and 5

1993/5
Report of the Working Group on Contemporary Forms of Slavery, paragraphs 8, 17, 26, 39, 43, 44

1993/14
Situation of human rights in the Islamic Republic of Iran, paragraphs 5, 7

1993/19
Situation in Myanmar, paragraph 3

1993/20
Situation of human rights in Iraq, paragraph 6

1993/22
Questions of the human rights of disabled persons, paragraphs 1, 2

1993/27
Application of international standards concerning the human rights of detained juveniles, paragraph 4

1993/29
Study concerning the right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms, paragraph 3, 4

1993/31
Discrimination in the context of human immunodeficiency virus (HIV) or acquired immunodeficiency syndrome (AIDS), paragraph 4

1993/41
Forced evictions, paragraph 6

1993/43
Protection of minorities, paragraph 6, 12

1993/46
Draft United Nations declaration on the rights of indigenous peoples, paragraph 4

Annex V

A. LIST OF STUDIES AND REPORTS COMPLETED AT THE FORTY-FIFTH SESSION OF THE SUB-COMMISSION

Item	Title	Entrusted to	Legislative authority
4	Final report on the right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms	Mr. van Boven	Sub-Commission resolution 1992/32 and Commission on Human Rights decision 1993/107
4	Final report on problems and causes of discrimination against HIV-infected people or people with AIDS	Mr. Varela Quiros	Sub-Commission decision 1992/108 and Commission on Human Rights resolution 1993/53
11	Report on practices and measures which have served to strengthen or to weaken the independence of the judiciary and the legal profession	Mr. Joinet	Sub-Commission resolution 1992/38 and Commission on Human Rights resolution 1993/44
15	Final study on measures to strengthen respect for the cultural property of indigenous peoples	Mrs. Daes	Sub-Commission resolution 1992/35
18	Possible ways and means of facilitating the peaceful solution of problems involving minorities	Mr. Eide	Sub-Commission resolution 1992/37

B. LIST OF STUDIES AND REPORTS UNDER PREPARATION BY MEMBERS IN ACCORDANCE WITH EXISTING LEGISLATIVE AUTHORITY a/

Item	Title	Status	Entrusted to	Legislative authority	First submission	Final submission
4	Elimination of harmful traditional practices affecting the health of women and children	Plan of action	Mrs. Warzazi	ECOSOC decision 1992/251 Sub-Commission resolution 1993/33	Forty-first session of the Sub-Commission	The forty-sixth session of the Sub-Commission
4	Human rights and the environment	Final report	Mrs. Ksentini	Sub-Commission resolution 1993/32	Forty-fourth session of the Sub-Commission	Forty-sixth session of the Sub-Commission
4	Recognition of gross and large-scale violations as an international crime	Report	Mr. Chernichenko	Sub-Commission resolution 1993/30 b/	Forty-sixth session of the Sub-Commission	Forty-eighth session of the Sub-Commission
5 (b)	Transition to democracy in South Africa	Second report	Mrs. Attah	Sub-Commission resolution 1993/1 and Commission on Human Rights resolution 1993/19	Forty-fifth session of the Sub-Commission	

Item	Title	Status	Entrusted to	Legislative authority	First submission	Final submission
8	The right to adequate housing	Second progress report	Mr. Sachar	Sub-Commission resolution 1993/36 and Commission on Human Rights decision 1993/103	Forty-fifth session of the Sub-Commission	Forty-seventh session of the Sub-Commission
8	Human rights and extreme poverty	Second progress report	Mr Despouy	Sub-Commission resolution 1993/35	Forty-fifth session of the Sub-Commission	Forty-seventh session of the Sub-Commission
8	Human rights dimensions of population transfer	Progress report	Mr. Al-Khasawneh	Sub-Commission resolution 1993/34	Forty-fifth session of the Sub-Commission	Forty-seventh session of the Sub-Commission
8	Human Rights and income distribution	Preparatory document	Mr. Eide	Sub-Commission resolution 1993/40 b/	Forty-sixth session of the Sub-Commission	
10	The right to a fair trial	Final report	Messrs. Chernichenko and Treat	Sub-Commission resolution 1993/26	Forty-second session of the Sub-Commission	Forty-sixth session of the Sub-Commission

Item	Title	Status	Entrusted to	Legislative authority	First submission	Final submission
10	List of countries which proclaim, extend or terminate, a state of emergency	Annual updated report	Mr. Despouy	Sub-Commission resolution 1993/28	Thirty-eighth session of the Sub-Commission	
10	The question of the impunity of perpetrators of violations of human rights	Report	Messrs. Guissé and Joinet	Sub-Commission resolution 1993/37	Forty-fifth session of the Sub-Commission	Forty-seventh session of the Sub-Commission
10	Privatization of prisons	Special study	A member of the Sub-Commission	Sub-Commission decision 1993/109 b/	Forty-sixth session of the Sub-Commission	
14	Peace and security as an essential condition for enjoyment of human rights	Supplement to working paper	Mr. Bhandare	Sub-Commission resolution 1992/7	Forty-third session of the Sub-Commission	Forty-sixth session of the Sub-Commission
15	Draft principles and guidelines for the protection of the heritage of the indigenous peoples	Preliminary report	Mrs. Daes	Sub-Commission resolution 1993/44 b/	Forty-sixth session of the Sub-Commission	Forty-eighth session of the Sub-Commission
15	Treaties, agreements and other constructive agreements between States and indigenous peoples	Second progress report	Mr. Alfonso Martínez	Sub-Commission decision 1993/110	Forty-third session of the Sub-Commission	Forty-sixth session of the Sub-Commission
16	Exploitation of child labour and debt bondage	Report	Mrs. Warzazi	Sub-Commission resolution 1993/5 b/	Forty-sixth session of the Sub-Commission	Forty-seventh session of the Sub-Commission

Item	Title	Status	Entrusted to	Legislative authority	First submission	Final submission
16	In-depth study on systematic rape, sexual slavery and slavery-like practices during wartime, including in particular internal armed conflict	Preliminary report	Mrs. Chavez	Sub-Commission resolution 1993/24 b/	Forty-sixth session of the Sub-Commission	Forty-eighth session of the Sub-Commission
18	Programme for the prevention of discrimination and protection of minorities	Working paper	Mr. Eide	Sub-Commission resolution 1993/43 b/	Forty-sixth session of the Sub-Commission	
20	Question of the implications for human rights of United Nations actions, including humanitarian assistance, in addressing international humanitarian problems and in the promotion and protection of human rights	Preliminary report	Mrs. Palley	Sub-Commission resolution 1993/38 b/	Forty-sixth session of the Sub-Commission	Forty-eighth session of the Sub-Commission

a/ This list has been prepared in accordance with Commission on Human Rights resolution 1982/23.

b/ Subject to approval/endorsement by the Commission on Human Rights and/or the Economic and Social Council.

Annex VI

LIST OF DOCUMENTS ISSUED FOR THE FORTY-FIFTH SESSION OF THE SUB-COMMISSION

Documents issued in the general series

Symbol	Agenda item	
E/CN.4/Sub.2/1993/1		Provisional agenda: note by the Secretary-General
E/CN.4/Sub.2/1993/1/Add.1		Annotations to the provisional agenda prepared by the Secretary-General
E/CN.4/Sub.2/1993/1/Rev.1		Agenda: note by the Secretary-General
E/CN.4/Sub.2/1993/2	4	Note by the Secretary-General
E/CN.4/Sub.2/1993/3	4	Memorandum submitted by the International Labour Office
E/CN.4/Sub.2/1993/4	4	Report submitted by the United Nations Educational Scientific and Cultural Organization: UNESCO activities concerning promoting and protecting the rights of persons belonging to national or ethnic, religious and linguistic minorities
E/CN.4/Sub.2/1993/5		Not issued
E/CN.4/Sub.2/1993/6	4	Progress report on the question of the impunity of perpretrators of human rights violations, prepared by Mr. Guissé and Mr. Joinet, pursuant to Sub-Commission resolution 1992/23
E/CN.4/Sub.2/1993/7	4	Human rights and the environment: second progress report prepared by Mrs. Fatma Zohra Ksentini, Special Rapporteur

Documents issued in the general series
(continued)

Symbol	Agenda item	
E/CN.4/Sub.2/1993/8	4	Study concerning the right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms: final report submitted by Mr. Theo van Boven, Special Rapporteur
E/CN.4/Sub.2/1993/9	4	Discrimination against HIV-infected people or people with AIDS: conclusions and recommendations: final report submitted by Mr. Luis Varela Quirós, Special Rapporteur
E/CN.4/Sub.2/1993/10 and Corr.1	4	Definition of gross and large-scale violations of human rights as an international crime: working paper submitted by Mr. Stanislav Chernichenko in accordance with Sub-Commission decision 1992/109
E/CN.4/Sub.2/1993/11	5 (b)	Preliminary report on monitoring the transition to democracy in South Africa, submitted by Mrs. Judith Sefi Attah, Special Rapporteur, pursuant to Sub-Commission resolution 1992/6
E/CN.4/Sub.2/1993/12	6	Note by the Secretary-General
E/CN.4/Sub.2/1993/13	6	Note by the Secretary-General
E/CN.4/Sub.2/1993/14	6	Situation in East Timor: note by the secretariat
E/CN.4/Sub.2/1993/15	8	The right to adequate housing: progress report submitted by Mr. Rajindar Sachar, Special Rapporteur appointed pursuant to resolution 1992/26 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities and decision 1993/103 of the Commission on Human Rights

Documents issued in the general series (continued)

Symbol	Agenda item	
E/CN.4/Sub.2/1993/16	8	Preliminary report on human rights and extreme poverty, prepared by Mr. Leandro Despouy, Special Rapporteur appointed in accordance with resolution 1992/27 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities and resolution 1993/13 of the Commission on Human Rights
E/CN.4/Sub.2/1993/17 and Corr.1	8	The human rights dimensions of population transfer, including the implantation of settlers: preliminary report prepared by Mr. A.S. Al-Khasawneh and Mr. R. Hatano
E/CN.4/Sub.2/1993/18 and Add.1	8	Report of the Secretary-General, prepared pursuant to Sub-Commission resolution 1992/29
E/CN.4/Sub.2/1993/19	10 (a)	Note by the Secretary-General concerning the submission of information pursuant to Sub-Commission resolution 7 (XXVII) of 20 August 1974
E/CN.4/Sub.2/1993/20	10 (a)	Application of international standards concerning the human rights of detained juveniles: note by the Secretary-General pursuant to Sub-Commission resolution 1992/25 and Commission on Human Rights resolution 1993/80
E/CN.4/Sub.2/1993/21	10 (a)	The possible utility, scope and structure of a special study on the issue of privatization of prisons: outline prepared by Mrs. Claire Palley pursuant to Sub-Commission decision 1992/107
E/CN.4/Sub.2/1993/22 and Corr.1	10 (a)	Report of the Working Group on Detention

Documents issued in the general series (continued)

Symbol	Agenda item	
E/CN.4/Sub.2/1993/23	10 (b)	Sixth annual report and list of States which, since 1 January 1985, have proclaimed, extended or terminated a state of emergency, presented by Mr. Leandro Despouy, Special Rapporteur appointed pursuant to Economic and Social Council resolution 1985/37
E/CN.4/Sub.2/1993/24 and Add.1-2	10 (d)	The right to a fair trial: current recognition and measures necessary for its strengthening: fourth report prepared by Mr. Stanislav Chernichenko and Mr. William Treat
E/CN.4/Sub.2/1993/25 and Add.1	11	Report on the independence of the judiciary and the protection of practising lawyers, prepared by Mr. Louis Joinet pursuant to Sub-Commission resolution 1992/38
E/CN.4/Sub.2/1993/26 and Add.1	14	Draft declaration on the rights of indigenous peoples: revised working paper submitted by the Chairperson-Rapporteur, Mrs. Erica-Irene Daes, pursuant to Sub-Commission resolution 1992/33 and Commission on Human Rights resolution 1993/31
E/CN.4/Sub.2/1993/27		Not issued
E/CN.4/Sub.2/1993/28	14	Study on the protection of the cultural and intellectual property of indigenous peoples, by Mrs. Erica-Irene Daes, Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities and Chairperson of the Working Group on Indigenous Populations
E/CN.4/Sub.2/1993/29 and Add.1-2	14	Report of the Working Group on Indigenous Populations on its eleventh session

Documents issued in the general series
(continued)

Symbol	Agenda item	
E/CN.4/Sub.2/1993/30	15	Report of the Working Group on Contemporary Forms of Slavery on its eighteenth session
E/CN.4/Sub.2/1993/31 and Add.1	15	Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography: report of the Working Group on Contemporary Forms of Slavery pursuant to paragraph 6 of Sub-Commission resolution 1992/2
E/CN.4/Sub.2/1993/32	15	Note by the Secretary-General pursuant to Sub-Commission resolution 1992/3
E/CN.4/Sub.2/1993/33	16 (b)	Note by the Secretary-General prepared pursuant to Sub-Commission resolution 1992/4
E/CN.4/Sub.2/1993/34 and Add.1-4	17	Possible ways and means of facilitating the peaceful and constructive solution of problems involving minorities: report submitted by Mr. Asbjørn Eide
E/CN.4/Sub.2/1993/35	15	Note by the Secretary-General pursuant to Sub-Commission resolution 1992/2
E/CN.4/Sub.2/1993/36	8	Letter dated 18 May 1993 from the Permanent Mission of the Republic of Iraq to the United Nations Office at Geneva addressed to the Assistant Secretary-General for Human Rights
E/CN.4/Sub.2/1993/37	6	Letter dated 26 July 1993 from the Permanent Representative of Peru to the United Nations Office at Geneva addressed to the Centre for Human Rights

Documents issued in the general series
(continued)

Symbol	Agenda item	
E/CN.4/Sub.2/1993/38	5 (a)	Letter dated 4 August 1993 from the Chairman of the forty-fifth session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities addressed to the President of Bosnia and Herzegovina, the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia and the Secretary-General of the United Nations
E/CN.4/Sub.2/1993/39	4 and 19	Preparatory document submitted by Mrs. Claire Palley on the question of the role of the United Nations in international humanitarian activities and assistance and human rights enforcement, bearing in mind the principle of non-interference
E/CN.4/Sub.2/1993/40	10	Letter dated 18 August 1993 from the Chairman of the forty-fifth session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities addressed to the Chargé d'Affaires, Permanent Mission of the United States of America to the United Nations and other international organizations at Geneva
E/CN.4/Sub.2/1993/41	10	Letter dated 20 August 1993 from the Chargé d'Affaires ad interim, Permanent Mission of the United States of America to the United Nations and other international organizations at Geneva, addressed to the Chairman of the forty-fifth session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities

Documents issued in the general series
(continued)

Symbol	Agenda item	
E/CN.4/Sub.2/1993/42	10	Letter dated 25 August 1993 from the Chargé d'Affaires ad interim, Permanent Mission of the United States of America to the United Nations and other international organizations at Geneva, addressed to the Chairman of the forty-fifth session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities
E/CN.4/Sub.2/1993/43	14	Letter dated 24 August 1993 from the Permanent Representative of Peru to the United Nations and other international organizations at Geneva addressed to the Chairman of the forty-fifth session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities
E/CN.4/Sub.2/1993/44	15	Preparatory document submitted by Mrs. Linda Chavez on the question of systematic rape, sexual slavery and slavery-like practices during wartime

Documents issued in the limited series

Symbol	Agenda item	
E/CN.4/Sub.2/1993/L.1	20	Note by the Secretary-General: draft provisional agenda for the forty-sixth session of the Sub-Commission
E/CN.4/Sub.2/1993/L.2	5 (b)	Mr. Alfonso Martínez, Mr. Boutkevitch, Ms. Chavez, Mr. Chernichenko, Mrs. Daes, Mr. Eide, Mrs. Forero Ucros, Mr. Genot, Mr. Guissé, Mr. Hakim, Mr. Hatano, Mr. Heller, Mr. Khalifa, Mrs. Mbonu, Mrs. Palley, Mr. Sachar, Mr. Tian Jin, Mrs. Warzazi and Mr. Yimer: draft resolution
E/CN.4/Sub.2/1993/L.3	5 (a)	Mr. Alfonso Martínez, Mr. Eide, Mr. Hakim, Mr. Heller, Mr. Khalil, Mrs. Ksentini, Mr. Tian Jin, Mrs. Warzazi and Mr. Yimer: draft resolution
E/CN.4/Sub.2/1993/L.4	13	Mr. Eide, Mrs. Forero Ucros, Mr. Guissé, Mr. Ramadhane, Mr. Saboia, Mrs. Warzazi and Mr. Yimer: draft resolution
E/CN.4/Sub.2/1993/L.5	3	Mr. Eide, Mr. Maxim and Mr. Yimer: draft resolution
E/CN.4/Sub.2/1993/L.6	6	Mr. Bossuyt, Mr. Eide, Mr. Hatano, Mrs. Palley, Mr. Ramadhane, Mr. Sachar and Mrs. Warzazi: draft resolution
E/CN.4/Sub.2/1993/L.7	15	Ms. Chavez, Mr. Eide, Ms. Ferriol Echevarría, Mr. Hakim, Mrs. Ksentini, Mr. Maxim, Mr. Ramadhane, Mrs. Warzazi and Mr. Yimer: draft resolution
E/CN.4/Sub.2/1993/L.8	10 (a)	Mrs. Attah, Mr. Bossuyt, Mr. Boutkevitch, Ms. Chavez, Mrs. Daes, Mr. Despouy, Mr. Eide, Mr. Guissé, Mr. Hatano, Mr. Heller, Mr. Joinet, Mr. Maxim, Mrs. Palley, Mr. Sachar and Mr. Yimer: draft resolution

Documents issued in the limited series (continued)

Symbol	Agenda item	
E/CN.4/Sub.2/1993/L.9	17	Mrs. Attah, Mr. Boutkevitch, Ms. Chavez, Mr. Chernichenko, Mrs. Daes, Mr. Despouy, Mr. Eide, Mrs. Forero Ucros, Mr. Guissé, Mr. Hakim, Mr. Hatano, Mr. Heller, Mr. Joinet, Mr. Khalifa, Mrs. Ksentini, Mr. Maxim, Mrs. Palley, Mr. Ramadhane, Mrs. Warzazi and Mr. Yimer: draft resolution
E/CN.4/Sub.2/1993/L.10 and Add. 1-17	21	Draft report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its forty-fifth session
E/CN.4/Sub.2/1993/L.11 and Add. 1-3	21	Draft report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its forty-fifth session
E/CN.4/Sub.2/1993/L.12/Rev.1	15	Mrs. Attah, Mr. Bossuyt, Mr. Boutkevitch, Mrs. Daes, Mr. Eide, Mr. Hatano, Mrs. Ksentini, Mrs. Palley, Mrs. Warzazi and Mr. Yimer: draft resolution
E/CN.4/Sub.2/1993/L.13	15	Ms. Chavez, Mr. Guissé, Mrs. Palley and Mrs. Warzazi: draft resolution
E/CN.4/Sub.2/1993/L.14	15	Mr. Boutkevitch, Ms. Chavez, Mr. Chernichenko, Mr. Hakim, Mr. Joinet, Mrs. Ksentini, Mr. Maxim, Mrs. Palley, Mr. Ramadhane, Mr. Sachar, Mrs. Warzazi and Mr. Yimer: draft resolution

Documents issued in the limited series
(continued)

Symbol	Agenda item	
E/CN.4/Sub.2/1993/L.15	6	Mr. Bossuyt, Mr. Boutkevitch, Ms. Chavez, Mr. Despouy, Mr. Eide, Mr. Guissé, Mr. Hatano, Mr. Joinet, Mr. Khalil, Mrs. Ksentini, Mrs. Palley, Mr. Ramadhane, Mrs. Warzazi and Mr. Yimer: draft resolution
E/CN.4/Sub.2/1993/L.16	6	Mr. Bossuyt, Mr. Boutkevitch, Mr. Chernichenko, Mr. Despouy, Mr. Eide, Mr. Guissé, Mr. Hatano, Mr Joinet and Mrs. Palley: draft resolution
E/CN.4/Sub.2/1993/L.17	6	Mr. Alfonso Martínez, Mr. Khalil, Mrs. Ksentini and Mr. Ramadhane: draft resolution
E/CN.4/Sub.2/1993/L.18	6	Mrs. Attah, Mr. Boutkevitch, Mr. Guissé, Mr. Hakim, Mr. Hatano, Mr. Heller, Mr. Khalil, Mrs. Ksentini, Mr. Ramadhane, Mr. Sachar, Mr. Tian Jin, Mrs. Warzazi and Mr. Yimer: draft resolution
E/CN.4/Sub.2/1993/L.19	6	Mr. Bossuyt, Mr. Boutkevitch, Mr. Chernichenko, Mr. Eide, Mr. Joinet and Mrs. Palley: draft resolution
E/CN.4/Sub.2/1993/L.20	6	Mr. Bossuyt, Mr. Boutkevitch, Ms. Chavez, Mr. Eide and Mrs. Palley: draft resolution
E/CN.4/Sub.2/1993/L.21	10	Mr. Boutkevitch, Ms. Chavez, Mr. Eide and Mrs. Palley: draft resolution
E/CN.4/Sub.2/1993/L.22	6	Mr. Hakim, Mr. Heller, Mr. Khalil, Mrs. Ksentini, Mrs. Palley and Mr. Ramadhane: draft resolution
E/CN.4/Sub.2/1993/L.23	6	Mr. Bossuyt, Mr. Boutkevitch, Ms. Chavez, Mr. Eide and Mrs. Palley: draft resolution

Documents issued in the limited series
(continued)

Symbol	Agenda item	
E/CN.4/Sub.2/1993/L.24	6	Mr. Bossuyt, Mr. Boutkevitch, Ms. Chavez, Mr. Chernichenko, Mr. Eide, Mr. Joinet, Mrs. Palley and Mr. Sachar: draft resolution
E/CN.4/Sub.2/1993/L.25	18	Mr. Alfonso-Martínez, Mrs. Attah, Mr. Bossuyt, Mr. Boutkevitch, Ms. Chavez, Mr. Despouy, Mr. Eide, Mr. Guissé, Mr. Hakim, Mr. Hatano, Mr. Heller, Mr. Joinet, Mr. Khalil, Mrs. Ksentini, Mr. Maxim, Mr. Merrills, Mr. Ramadhane, Mr. Saboia, Mr. Sachar, Mr. Tian Jin, Mrs. Warzazi and Mr. Yimer: draft resolution
E/CN.4/Sub.2/1993/L.26	6	Mr. Bossuyt, Mr. Boutkevitch, Ms. Chavez, Mr. Eide and Mrs. Palley: draft resolution
E/CN.4/Sub.2/1993/L.27	6	Mr. Bossuyt, Ms. Chavez, Mr. Eide and Mr. Joinet: draft resolution
E/CN.4/Sub.2/1993/L.28	6	Mr. Alfonso Martínez, Mrs. Attah, Mr. Bossuyt, Mr. Boutkevitch, Mr. Chernichenko, Mr. Despouy, Mr. Eide, Mr. Guissé, Mr. Hakim, Mr. Heller, Mr. Joinet, Mr. Khalil, Mrs. Ksentini, Mr. Merrills, Mr. Ramadhane, Mr. Saboia, Mr. Sachar, Mrs. Warzazi and Mr. Yimer: draft resolution
E/CN.4/Sub.2/1993/L.29	12	Mr. Bossuyt, Mrs. Daes, Mr. Despouy, Mr. Eide and Mr. Guissé: draft resolution
E/CN.4/Sub.2/1993/L.30	6	Mrs. Attah, Mr. Bossuyt, Mr. Boutkevitch, Ms. Chavez, Mrs. Daes, Mr. Despouy, Mr. Eide, Mr. Guissé, Mr. Hakim, Mr. Hatano, Mr. Heller, Mr. Joinet, Mr. Khalil, Mrs. Ksentini, Mr. Maxim, Mr. Merrills, Mr. Ramadhane, Mr. Sachar, Mrs. Warzazi and Mr. Yimer: draft resolution

Documents issued in the limited series (continued)

Symbol	Agenda item	
E/CN.4/Sub.2/1993/L.31	6	Mr. Despouy and Mr. Eide: draft resolution
E/CN.4/Sub.2/1993/L.32	4	Mrs. Attah, Mr. Bossuyt, Mr. Boutkevitch, Ms. Chavez, Mrs. Daes, Mr. Despouy, Mr. Eide, Mr. Guissé, Mr. Hakim, Mr. Khalil, Mrs. Palley, Mr. Ramadhane, Mr. Sachar, Mrs. Warzazi, Mr. Yimer and Mr. Yokota: draft resolution
E/CN.4/Sub.2/1993/L.33	10 (d)	Mr. Alfonso Martínez, Mrs. Attah, Mr. Boutkevitch, Ms. Chavez, Mrs. Daes, Mr. Despouy, Mr. Eide, Mr. Guissé, Mr. Hatano, Mr. Khalil, Mrs. Palley, Mr. Saboia, Mr. Sachar, Mrs. Warzazi and Mr. Yimer: draft resolution
E/CN.4/Sub.2/1993/L.34	8	Mr. Alfonso Martínez, Mrs. Attah, Mr. Bossuyt, Mr. Boutkevitch, Ms. Chavez, Mr. Chernichenko, Mr. Despouy, Mr. Eide, Mr. Guissé, Mr. Hakim, Mr. Hatano, Mr. Heller, Mr. Joinet, Mr. Khalil, Mrs. Ksentini, Mr. Maxim, Mrs. Palley, Mr. Ramadhane, Mr. Saboia, Mr. Sachar, Mrs. Warzazi and Mr. Yimer: draft resolution
E/CN.4/Sub.2/1993/L.35	10	Mr. Despouy, Mr. Joinet and Mrs. Ksentini: draft resolution
E/CN.4/Sub.2/1993/L.36	19	Mrs. Daes, Mr. Eide, Mrs. Warzazi and Mr. Yimer: draft resolution
E/CN.4/Sub.2/1993/L.37	6	Mr. Despouy, Mrs. Forero Ucros, Mr. Heller and Mr. Saboia: draft resolution
E/CN.4/Sub.2/1993/L.38	4	Mrs. Attah, Mr. Boutkevitch, Ms. Chavez, Mrs. Daes, Mr. Eide, Mr. Heller, Mr. Khalil, Mr. Ramadhane and Mr. Yokota: draft resolution

Documents issued in the limited series
(continued)

Symbol	Agenda item	
E/CN.4/Sub.2/1993/L.39	17	Mrs. Attah, Mr. Bossuyt, Mr. Boutkevitch, Ms. Chavez, Mr. Chernichenko, Mrs. Daes, Mr. Despouy, Mrs. Forero Ucros, Mr. Guissé, Mr. Hakim, Mr. Heller, Mr. Joinet, Mr. Khalil, Mrs. Ksentini, Mr. Maxim, Mrs. Palley, Mr. Ramadhane, Mr. Saboia, Mr. Sachar, Mr. Yimer and Mr. Yokota: draft resolution
E/CN.4/Sub.2/1993/L.40	4	Mrs. Attah, Mr. Despouy, Mr. Eide, Mr. Guissé, Mr. Hakim, Mr. Heller, Mr. Joinet, Mr. Khalil, Mrs. Ksentini, Mrs. Palley, Mr. Ramadhane, Mr. Saboia, Mr. Sachar, Mrs. Warzazi, Mr. Yimer and Mr. Yokota: draft resolution
E/CN.4/Sub.2/1993/L.41	4	Mr. Alfonso Martínez, Mrs. Attah, Mr. Boutkevitch, Mr. Chernichenko, Mrs. Daes, Mr. Despouy, Mr. Eide, Mrs. Forero Ucros, Mr. Hakim, Mr. Hatano, Mr. Heller, Mr. Joinet, Mr. Khalil, Mrs. Palley, Mr. Ramadhane, Mr. Saboia, Mr. Sachar, Mr. Tian Jin, Mrs. Warzazi and Mr. Yimer: draft resolution
E/CN.4/Sub.2/1993/L.42	7	Mrs. Attah, Mr. Khalil, Mrs. Ksentini and Mr. Ramadhane: draft resolution
E/CN.4/Sub.2/1993/L.43	8	Mr. Alfonso Martínez, Mrs. Attah, Mr. Bossuyt, Mr. Despouy, Mr. Eide, Mrs. Forero Ucros, Mr. Guissé, Mr. Hakim, Mr. Hatano, Mr. Heller, Mr. Joinet, Mr. Khalil, Mrs. Ksentini, Mrs. Palley, Mr. Ramadhane, Mr. Saboia, Mr. Sachar, Mr. Tian Jin and Mr. Yimer: draft resolution

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E/CN.4/Sub.2/1993/L.44	10	Mr. Alfonso Martínez, Mr. Boutkevitch, Ms. Chavez, Mr. Guissé and Mr. Sachar: draft resolution
E/CN.4/Sub.2/1993/L.45	8	Mr. Alfonso Martínez, Mrs. Attah, Mr. Boutkevitch, Mr. Chernichenko, Mrs. Daes, Mr. Despouy, Mr. Eide, Mrs. Forero Ucros, Mr. Guissé, Mr. Hakim, Mr. Hatano, Mr. Heller, Mr. Joinet, Mr. Khalil, Mrs. Ksentini, Mr. Maxim, Mrs. Palley, Mr. Ramadhane, Mr. Saboia, Mr. Tian Jin, Mrs. Warzazi and Mr. Yimer: draft resolution
E/CN.4/Sub.2/1993/L.46	10 (b)	Mr. Alfonso Martínez, Mr. Bossuyt, Mrs. Daes, Mr. Despouy, Mr. Eide, Mrs. Forero Ucros, Mr. Guissé, Mr. Hakim, Mr. Hatano, Mr. Joinet, Mr. Khalil, Mr. Ramadhane, Mr. Saboia, Mr. Sachar and Mrs. Warzazi: draft resolution
E/CN.4/Sub.2/1993/L.47	14	Mr. Alfonso Martínez: draft resolution
E/CN.4/Sub.2/1993/L.48	8	Mrs. Attah, Mrs. Daes, Mrs. Forero Ucros, Mr. Guissé, Mr. Ramadhane, Mr. Saboia and Mr. Sachar: draft resolution
E/CN.4/Sub.2/1993/L.49	8	Mrs. Daes, Mr. Eide, Mrs. Palley, Mr. Saboia and Mr. Sachar: draft resolution
E/CN.4/Sub.2/1993/L.50	4	Mrs. Attah, Mr. Bossuyt, Mrs. Daes, Mr. Despouy, Mr. Eide, Mrs. Forero Ucros, Mr. Hakim, Mr. Khalil and Mr. Yimer: draft resolution
E/CN.4/Sub.2/1993/L.51	4	Mr. Despouy, Mr. Eide, Mr. Khalil and Mr. Yokota: draft resolution

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E/CN.4/Sub.2/1993/L.52	11	Mr. Despouy, Mr. Eide, Mr. Guissé, Mr. Khalil and Mr. Yokota: draft resolution
E/CN.4/Sub.2/1993/L.53	14	Mrs. Warzazi: draft resolution
E/CN.4/Sub.2/1993/L.54/Rev.1	14	Amendments submitted by Mrs. Daes to draft resolution E/CN.4/Sub.2/1993/L.47
E/CN.4/Sub.2/1993/L.55	14	Mr. Alfonso Martínez, Mrs. Attah, Mr. Boutkevitch, Mrs. Daes and Mr. Yokota: draft decision
E/CN.4/Sub.2/1993/L.56	14	Mrs. Daes: draft resolution

Documents issued in the non-governmental organizations series (issued in English, French and Spanish only)

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E/CN.4/Sub.2/1993/NGO/1	4	Written statement submitted by International Fellowship of Reconciliation, a non-governmental organization in consultative status (category II)
E/CN.4/Sub.2/1993/NGO/2	10 (a)	Written statement submitted by the American Assoc'ation of Jurists, a non-governmental organization in consultative status (category II)
E/CN.4/Sub.2/1993/NGO/3	6	Written statement submitted by Pax Christi International, a non-governmental organization in consultative status (category II)
E/CN.4/Sub.2/1993/NGO/4	14	Written statement submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (category II)
E/CN.4/Sub.2/1993/NGO/5	6	Written statement submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (category II)
E/CN.4/Sub.2/1993/NGO/6	14	Written statement submitted by the Commission for the Defense of Human Rights in Central America, a non-governmental organization in consultative status (category II)
E/CN.4/Sub.2/1993/NGO/7	17	Written statement submitted by the Inter-Parliamentary Union, a non-governmental organization in consultative status (category I)

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E/CN.4/Sub.2/1993/NGO/8	7	Written statement submitted by the Inter-Parliamentary Union, a non-governmental organization in consultative status (category I)
E/CN.4/Sub.2/1993/NGO/9	10 (b)	Written statement submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (category II)
E/CN.4/Sub.2/1993/NGO/10	6	Written statement submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (category II)
E/CN.4/Sub.2/1993/NGO/11	10 (b)	Written statement submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (category II)
E/CN.4/Sub.2/1993/NGO/12	17	Written statement submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (category II)
E/CN.4/Sub.2/1993/NGO/13	14	Written statement submitted by the Indian Law Resource Center, a non-governmental organization on the Roster
E/CN.4/Sub.2/1993/NGO/14	10 and 13	Written statement submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (category II)

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E/CN.4/Sub.2/1993/NGO/15	10 (b) and 11	Written statement submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (category II)
E/CN.4/Sub.2/1993/NGO/16	6	Joint statement by the World Confederation of Labour and the World Federation of Trade Unions, non-governmental organizations in consultative status (category I), by the American Association of Jurists, the International Association for the Defence of Religious Liberty, the International Association of Democratic Lawyers, the International Association of Penal Law, Pax Christi International, Pax Romana and the Women's International League for Peace and Freedom, non-governmental organizations in consultative status (category II), by Centre Europe-Tiers Monde, International Educational Development, the International Falcon Movement-Socialist Educational International, the International Movement against All Forms of Discrimination and Racism, the Movement Against Racism and for Friendship among Peoples and the World Organization against Torture, non-governmental organizations on the Roster

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E/CN.4/Sub.2/1993/NGO/17	13	Joint statement submitted by the International Association for the Defence of Religious Liberty, the International Council of Jewish Women, the International Fellowship of Reconciliation, the International Organization for the Development of Freedom of Education and Pax Christi International, non-governmental organizations in consultative status (category II)
E/CN.4/Sub.2/1993/NGO/18	6	Written statement submitted by the International Human Rights Law Group, a non-governmental organization in consultative status (category II)
E/CN.4/Sub.2/1993/NGO/19 and Corr. 1	6	Written statement submitted by International Educational Development, a non-governmental organization on the Roster
E/CN.4/Sub.2/1993/NGO/20	14	Written statement submitted by Four Directions Council (category II)
E/CN.4/Sub.2/1993/NGO/21	14	Written statement submitted by the International Organization of Indigenous Peoples, a non-governmental organization in consultative status (category II)
E/CN.4/Sub.2/1993/NGO/22	6	Written statement submitted by International Educational Development, a non-governmental organization on the Roster
E/CN.4/Sub.2/1993/NGO/23	18	Written statement submitted by International Educational Development Inc., a non-governmental organization on the Roster

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Symbol	Agenda item	
E/CN.4/Sub.2/1993/NGO/24	4	Written statement submitted by the International Federation Terre des Homme, a non-governmental organization in consultative status (category II)
E/CN.4/Sub.2/1993/NGO/25	16 (a)	Written statement submitted by International Educational Development Inc., a non-governmental organization on the Roster
E/CN.4/Sub.2/1993/NGO/26	4	Written statement submitted by International Fellowship of Reconciliation, a non-governmental organization in consultative status (category II)
E/CN.4/Sub.2/1993/NGO/27	17	Written statement submitted by International Fellowship of Reconciliation, a non-governmental organization in consultative status (category II)
E/CN.4/Sub.2/1993/NGO/28	8	Written statement submitted by Human Rights Advocates, a non-governmental organization in consultative status (category II)
E/CN.4/Sub.2/1993/NGO/29	17	Written statement submitted by International Fellowship of Reconciliation, a non-governmental organization in consultative status (category II)